



W.P.(MD)No.1361 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 23.01.2024

CORAM

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.1361 of 2024

Rajalingam

...Petitioner

/Vs./

1. The Inspector General of Registration,
Head Office, Santhome,
Chennai - 600028.
2. The District Registrar,
Karur District,
Karur.
3. The Sub-Registrar,
Tharagampatti Sub-Registration Office,
Karur District.
4. The Sub Registrar,
Krishnarayapura Sub-Registration Office,
Karur District.
5. Karuppannan
6. Sirumbayee
7. Jothimani
8. Ravichandran

...Respondents



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Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to cancel the document in Gift Settlement deed dated 13.12.2021 registered under Document No.4021 of 2021 on the file of the 3rd respondent - Sub-Registrar, Tharagampatti relating to the petitioner's land in New S.No.47/2B, old S.No. 47/2 an extent of 1.30 acre of Pothurawathampatti village, Krishnarayapuram taluk, Karur District and further restrain the respondents Nos.3 and 4 from registering any document presented or executed by respondents Nos.5 to 8 in relation to the petitioner's said self owned and acquired land.

For Petitioners : Mr.V.Kannan

For Respondents : Mr.M.Senthil Ayyanar (R1 to R4)

Govt. Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 1st respondent to cancel the document in Gift Settlement deed dated 13.12.2021 registered under Document No.4021 of 2021 on the file of the 3rd respondent - Sub-Registrar, Tharagampatti relating to the petitioner's land in New S.No.47/2B, old S.No. 47/2 an extent of 1.30 acre of Pothurawathampatti village, Krishnarayapuram taluk, Karur District and further restrain the respondents Nos.3 and 4 from registering any document presented or executed by respondents Nos.5 to 8 in relation to the petitioner's said self owned and acquired land.



W.P.(MD)No.1361 of 2024

WEB COPY **2.** Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents. Notice to the private respondents is dispensed with, since no adverse order is going to be passed against them in this writ petition. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, the subject property was purchased by the petitioner under a registered sale deed and he is the absolute owner of the subject property. The 5th respondent, who is his elder brother along with the 6th and 7th respondents, who are the married daughters of the 5th respondent have executed a settlement deed in favour of the 8th respondent, who is the son of 5th respondent claiming the subject property is an ancestral property. The petitioner made a representation to the respondents to cancel the settlement deed. Since no action has been taken, the present writ petition has been filed.

4. The learned Government Advocate appearing for the official respondents submits that the respondents will consider the representation made by the petitioner within the time frame to be stipulated by this Court.



W.P.(MD)No.1361 of 2024

5. Considering the facts and circumstances of this case, this Court, without expressing any opinion on the merits of the matter, directs the official respondents to hold an enquiry with regard to the claim made by the petitioner to cancel the settlement deed by considering the representation made by the petitioner dated 09.10.2023 and pass appropriate orders on merits and in accordance with law and as per the existing rules and regulations, after affording an opportunity of hearing to the parties concerned, especially, the petitioner and the private respondents, within a period of twenty (20) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ Petition stands disposed of. No costs.

23.01.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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TO:-

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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.1361 of 2024

Dated:
23.01.2024