



W.P.(MD) No.4197 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.4197 of 2018

S.Paulraj

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The District Registrar,
Office of the District Registrar,
Tirunelveli District.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Mela Neelithanallur Sub Registration Office,
Sankarankovil Taluk,
Tirunelveli District.
- 4.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.
- 5.The Tahsildar,
Sankarakovil Taluk Officer,
Sankarankovil Tauk,
Tiruneveli District.
- 6.Balaiah, S/o.Vedhanayagam

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 herein from in any way registering any documents submitted by the 6th respondent / Balaiah or any one claiming through him for cancellation or creating any encumbrances in respect of the properties mentioned in the Settlement Deed dated 22.3.2017 registered in Document No.373/2017 on the file of the 3rd respondent herein by considering petitioner's representation, dated 18.01.2018.

For Petitioner : No Appearance

For R1 and R5 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

There is no representation on behalf of the petitioner.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 herein from in any way registering any documents submitted by the sixth respondent / Balaiah or any one claiming through him for cancellation or creating any encumbrances in respect of the properties mentioned in the Settlement Deed dated 22.3.2017 registered as Document No.373/2017, on the file of the third respondent herein by considering petitioner's representation, dated 18.01.2018.



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3. The documents that have been filed before this Court indicate that the sixth respondent, who is none other than the petitioner's paternal grandfather had settled the properties in favour of the petitioner by a Settlement Deed dated 21.03.2017 which was registered as Document No. 373 of 2017. After the properties were settled in favour of the petitioner by the sixth respondent, it appears that the sixth respondent has cancelled the Settlement Deed dated 21.03.2017 by a Cancellation Deed dated 14.11.2017 which was registered as Document No.1852 of 2017.

4. The learned Special Government Pleader for the respondents 1 to 5 today has filed a copy of the communication received from the third respondent herein dated 02.08.2024 bearing reference in Na.Ka.No. 131/2024, wherein it has been stated as follows:-

தென்காசி பதிவு மாட்டம் மேலநீதிநல்லூர் சார்பதிவாளர் அலுவலகத்தில் ஈச்சந்தா கிராமம், சர்வே 284/4, 284/5B, 291/3, 291/7B, 322/5, 322/8, 323/1, 323/6, 323/4, 274/13, 336/10B, 336/11A, 336/11B, 336/13C நம்பர்களை பொறுத்து திரு.பாலையா என்பவரால் அவரது பேரன் திரு.பால்ராஜ் என்பவருக்கு இவ்வலுவலகத்தில் ஏற்பாடு ஆவணமாக 373/2017 ஏற்பாடு ஆவணமாக எழுதிக் கொடுக்கப்பட்டு, மேற்படி ஏற்பாடு ஆவணத்தினை திரு.பாலையா என்பவரே 1852/2017 ஆவணத்தின் மூலம் ஏற்பாடு இரத்து செய்துள்ளார். மேலும், திரு.பாலையா என்பவரால் தனது குமாரத்தியின் குமாரத்தி (பேத்தி) திருமதி.அந்தோணி செல்வம் என்பவருக்கு அதன்பின்பு 1650/2018, 1551/2020, 1144/2021 ஆகிய ஆவணங்கள் மூலம் ஏற்பாடு ஆவணம் எழுதி வைத்துள்ளார். மேலும், அதன்பின்பு மேற்படி சர்வே நம்பர்களை பொறுத்து எந்த ஒரு விதமான ஆவணங்களும் பதிவு செய்யப்படவில்லை என்ற விபரத்தினை மாண்புமிகு நீதிமன்றத்தில் தாக்கல் செய்யும் பொருட்டு பணிந்து சமர்ப்பிக்கப்படுகிறது.



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5. A reading of the above indicates that not only the Settlement Deed dated 21.03.2017 registered as Document No.373 of 2017 of the sixth respondent settling the properties in favour of the petitioner has been cancelled on 14.11.2017, but also the very same properties have been settled by the sixth respondent in favour of other grandchild of the sixth respondent, namely, Antony Selvam. Therefore, this Writ Petition has become infructuous even on the date when it was filed on 26.02.2018.

6. Under these circumstances, this Writ Petition is dismissed with liberty to the petitioner to take steps for cancelling the Cancellation Deed dated 14.11.2017 registered as Document No.1852 of 2017 and the sale deeds registered as Document Nos.1650 of 2018, 1551 of 2020 and 1144 of 2021 executed in favour of the other grandchild of the sixth respondent namely, Antony Selvam. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

02.08.2024



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To

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C.SARAVANAN, J.

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