



W.P(MD)No.389 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.389 of 2016
and
W.M.P(MD)No.315 of 2016**

1.A.Shanmugam
2.L.Margaret Chandra
3.V.Suriya Catherine Mary
4.R.Shanmugam

... Petitioners

vs.

1.The District Collector,
Tiruchirappalli.

2.The Commissioner,
Town and Country Planning,
807, Annasalai,
Chennai – 2.

3.The Assistant Director,
Town and Country Planning,
No.10, Williams Road,
Tiruchirappalli District.

4.The District Registrar,
Tiruchirappalli District,
Tiruchirappalli.



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5.The Sub Registrar,
Sub Registrar Office,
Lalgudi Taluk,
Tiruchirappalli District.

6.The Executive Officer,
Town Panchayat (Selection Grade),
Lalgudi Taluk,
Tiruchirappalli District.

7.S.Rathinasamy

8.R.Selvakumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to cancel the settlement deed executed by the seventh respondent vide Document No.2966/2013 in respect of the reserved area in S.F.No.97/2AH in favour of the eighth respondent and direct the respondents 1 to 3 to protect the reserved area comprised in S.F.No.97/2AH admeasuring 5370 square feet situate at Nanbargal Nagar, L.Abishekapuram Village, Lalgudi Taluk, Tiruchirappalli District from unauthorized construction, use, occupation and transfer.

For Petitioners	: Ms.J.Maria Roesline
For RR 1 to 6	: Mr.S.P.Maharajan Special Government Pleader
For RR 7 & 8	: No appearance



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioners have filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to cancel the settlement deed executed by the seventh respondent vide Document No. 2966/2013 in respect of the reserved area in S.F.No.97/2AH in favour of the eighth respondent and direct the respondents 1 to 3 to protect the reserved area comprised in S.F.No.97/2AH admeasuring 5370 square feet situate at Nanbargal Nagar, L.Abishekapuram Village, Lalgudi Taluk, Tiruchirappalli District from any unauthorized construction, use, occupation and transfer.

2.According to the petitioners, they are beneficiaries of the layout promoted by the seventh respondent. In violation of the conditions layout plan, a settlement deed was executed by the seventh respondent in favour of his son/eighth respondent in Document No.2966 of 2013 in respect of the property in S.F.No.97/2AH admeasuring 5370 square feet situate at Nanbargal Nagar, L.Abishekapuram Village, Lalgudi Taluk, Tiruchirappalli District. They further stated that the said property is earmarked for the public purpose. Therefore, the seventh respondent has



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no right or power to execute any deed in respect of the subject property.

Further, the petitioners have also filed a suit and obtained decree as against the seventh respondent. Despite the same, the seventh respondent has not cancelled the settlement deed executed in favour of the eighth respondent.

3.On a perusal of the materials available on record, it is seen that the petitioners are having efficacious alternative remedy of approaching the District Registrar under Section 22A or 77A of the Registration Act, 1908 for cancelling the settlement deed if any executed contrary to the statute or if there is a bar for alienation. Therefore, the petitioners have to seek appropriate remedy before the District Registrar under the aforesaid Act.

4.Accordingly, the petitioners are at liberty to submit a representation before the District Registrar under Section 22A or 77A of the Registration Act, 1908 for cancellation of the settlement deed within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the District Registrar is directed to conduct an enquiry and pass appropriate orders on merits and in accordance with law, after providing due opportunity to the parties concerned within a period of four weeks thereafter.



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5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [M.D.I.,J.]
11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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and
M.DHANDAPANI,J.

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ORDER MADE IN
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