



W.P.(MD)No.29921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.29921 of 2023

M.Sekaran

... Petitioner

Vs.

1.The District Registrar (Administration),
Registration Department,
No. 171, Madurai South,
Palace Road, Mahal Area,
Madurai 625 001.

2.The Joint No. IV, Sub Registrar,
Office of the Sub Registrar,
Madurai South, Palanganatham,
Madurai.

3.M.Dharmaraj

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent herein to recall the erroneous certified copy dated 27.12.1974 relating to the registered settlement deed under Document No.717/1966, dated 17.02.1966, registered before the 2nd respondent herein, which was obtained by the 3rd respondent as against the actual registered settlement deed by considering the petitioner's representation dated 21.11.2023.



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For Petitioner : Mr.A.Saravanan
For Respondents : Mr.C.Satheesh,
Govt. Advocate for R1 & R2
Mr.V.P.Rajan for R3

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent herein to recall the erroneous certified copy dated 27.12.1974 relating to the registered settlement deed under Document No.717/1966, dated 17.02.1966, registered before the 2nd respondent herein, which was obtained by the 3rd respondent as against the actual registered settlement deed by considering the petitioner's representation dated 21.11.2023.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent and perused the materials available on record.

3. It is the grievance of the Writ Petitioner that the settlement deed was originally executed in favour of the petitioner and his brother in the year 1966.



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However, the third respondent has obtained a certified copy of the said settlement deed excluding the name of the Writ Petitioner. In this regard, the petitioner has also made a representation dated 21.11.2023 before the respondents. Since the same was not considered, the petitioner has filed this Writ Petition seeking to recall the said certified copy dated 27.12.1974 relating to the registered settlement deed under Document No.717/1966, dated 17.02.1966.

4. This Court, by order dated 19.09.2024, directed the 2nd respondent to produce the original copy sheet of the settlement deed dated 17.02.1966. Pursuant to the said direction, today the 2nd respondent has produced the original copy sheet of volume Book No.890, which was contained the documents relating to Doc.Nos. 3/1966 to 1578/1966.

5. This Court has perused the original copy sheet of the settlement deed dated 17.02.1966, which was registered as Doc.No.717/1966. The copy of settlement deed makes it very clear that the document has been executed in favour of two minor sons of Muthu Servai viz., the petitioner and the third respondent. Therefore, the certified copy dated 27.12.1974 relating to the registered settlement deed under Doc.No.717/1966, dated 17.02.1966, which was obtained by the third



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respondent, is irrelevant. The 2nd respondent is directed to preserve this copy and if the petitioner applies for a certified copy of the said settlement deed, the 2nd respondent is directed to prepare a certified copy on the basis of the original copy sheet.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.10.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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