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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.12.2015
C O R A M
THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No. 22375 of 2015
and
M.P (MD) Nos. 2 and 3 of 2015

1.M.Rajesh @ Rajagopal
2.A.Chellapandian

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.

2.The District Registrar,
Madurai North, Rajagambeeram,
Y.Othakadai,
Madurai District.

3.The Sub Registrar,
Alanganallur Sub Registrar Office,
T.Vadipatti Taluk,
Madurai District.

4.M.Sundararaman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the registration of the cancellation of settlement deed dated 05.05.1993 registered as document Nos.654/1993 and 655/1993 on the file of the 3rd respondent and quash the same as illegal, ultra vires and unconstitutional and in consequence remove the entries in the respective documents from the concerned registers and further in consequence, remove the entries of documents dated 5.5.1993 and 06.05.1993 styled as sale deeds registered as document Nos.657/1993 and 658/1993 respectively and for other consequential relief.

For Petitioner : Mr.S.Ramesh
For Respondent : Mr.M.Murugan G.A.,
for R1 to R3

ORDER

What cannot be achieved before the Civil Court, is being attempted to be achieved by filing the present Writ Petition, challenging the registration of cancellation of a Settlement Deed dated 05.05.1993 registered as Document Nos.654 and 655 of 1993.

2. The case of the petitioner in short is that a Settlement Deed executed in his favour cannot be cancelled unilaterally and therefore, the registration of such cancellation which had admittedly taken place on 05.05.1993 is also bad in law. Therefore, by contending so, the present Writ Petition is filed.



3. I am not able to see any justification on the part of the petitioner in filing the writ petition to challenge the registration of a document cancelling the Settlement Deed when the fact remains that such cancellation of Settlement Deed took place as early as on 05.05.1993 and registered on 10.05.1993.

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4. The learned Counsel appearing for the petitioner contends that since it is an unilateral cancellation, the petitioner is not aware of such cancellation and therefore, the present Writ Petition is being filed before this Court.

5. I am not able to accept the said contention for the simple reason that as the petitioner, all these years, has failed to agitate the matter before the Civil Court challenging such cancellation of Settlement Deed, cannot now indirectly seek to set aside such document by challenging the registration of such document.

6. I do not think that the prayer sought for in this writ petition is maintainable and consequently, I do not find any merits to entertain the same.

7. Accordingly, this writ petition fails and the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.

2.The District Registrar,
Madurai North,
Rajagambeeram,
Y.Othakadai,
Madurai District.

3.The Sub Registrar,
Alanganallur Sub Registrar Office,
T.Vadipatti Taluk,
Madurai District.

+ 1 CC TO MR.V.RAGHAVACHARI, ADVOCATE IN SR NO.72069
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 71352

SSM

TE/SK-SKN/ : 12/01/2016 :2P/6C
<https://hcservices.ecourts.gov.in/hcservices/>

W.P. (MD) No.22375 of 2015 and
M.P (MD) Nos.2 and 3 of 2015
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