



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.16080 of 2016

M.Pechiammal

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Valliyur, Radhapuram Taluk,
Tirunelveli District.

2.Esakimuthu Konar

3.E.Veerabhagu

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned deed of Unilateral revocation of Settlement deed in document no 3328/2015 on the file of the Sub Registrar Valliyur the 1st Respondent herein dated 24.11.2015 and quash the same.

For Petitioner	: Mr.D.Selvaraj
For 1 st Respondent	: Mr.N.S.Karthikeyan Additional Government Pleader.
For 3 rd Respondent	: Mr.S.R.Anbarasu
For 2 nd Respondent	: No appearance

ORDER

Challenging the unilateral cancellation of settlement deed dated 24.11.2015, the present writ petition has been filed.

2.According to the petitioner, she is the daughter of the third respondent and earlier, the third respondent executed a settlement deed in favour of the petitioner on 23.12.2011. Subsequently, the third respondent unilaterally cancelled the settlement deed by document No.3328 of 2015, dated 24.11.2015. Challenging the above cancellation deed, the present writ petition is filed on the ground that the third respondent after settling the property cannot unilaterally cancel the same.



3.Learned counsel appearing for the petitioner relied upon various judgments and contended that the parties cannot cancel the deed unilaterally.

4.Learned counsel for the second respondent submitted that challenging the above said cancellation of settlement, the petitioner has filed a suit in O.S.No.323 of 2015 on the file of the District Munsif Court, Valliyur and the same is still pending. He further contended that the petitioner cannot seek the same relief before this Court as well as before the Civil Court. He would further contend that the second respondent is still in possession of the property in question. He would further contend that suppressing the fact of filing of the suit, the present writ petition has been filed and hence, the writ petition is liable to be dismissed.

5.Considering the fact that the petitioner has already filed a suit for the same relief as sought for in the writ petition and the same is still pending before the competent civil court, petitioner cannot maintain writ petition. Hence, it is liable to be dismissed. However, since the suit is pending from the year 2015, the District Munsif is directed to dispose of the suit in O.S.No.323 of 2015 within a period of six months from the date of receipt of a copy of this order.

6.The writ petition is accordingly dismissed. No costs.

sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

sms

To

The Sub Registrar,
Sub Registrar Office,
Valliyur, Radhapuram Taluk,
Tirunelveli District.

+1CC to Mr.D.Selvaraj, Advocate Sr.No.66994

+1CC to Spl.Government Pleader Sr.No.66648

GJM/SS3/AR(CS-II)-21.11.16-2p-4C

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