



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.14348 of 2014

A.Kamatchi
Through her Power Agent
A.Ramesh
S/o Alagar
1/92 Selva Vinayagar Street,
K.Pudur,
Madurai - 625 007.

.. Petitioner

Vs.

- 1.The District Registrar,
Virudhunagr,
Virudhunagar District.
- 2.The Sub-Registrar,
Veeracholan - Sub Registry Office,
Thiruchuli Taluk,
Virudhunagar District.
- 3.M.Sathiyaseelan
- 4.S.Thomas
- 5.Minor S.Naveen
rep. By his mother and
natural guardian Jeya
W/o Late Sivanatham,
D.No.31, K.Alangulam,
Melaparutheyur,
Thiruchuli Taluk,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order vide Na.Ka.No.7330/u3/2012 dated 28.05.2013 and quash the same and consequently direct the first respondent to cancel the settlement deed entered into between the third respondent in document No.1051 of 2012 on the file of the second respondent.



For Petitioner : Mr.T.Antony Arul Raj
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
(for R1 and R2)
Mr.V.S.Kishokkumar (for R3 to R5)

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ORDER

This writ petition is filed challenging the order dated 28.05.2013 passed by the first respondent, wherein the petitioner's claim for cancellation of the registration of settlement deed No.1051 of 2012 was rejected on the ground that a civil suit between the petitioner and the respondents 3 to 5 is pending before the civil Court in O.S.No.340 of 2012.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 to 5.

3.It is the case of the petitioner that when the petitioner sought to challenge the registration of the settlement deed registered as Document No.1051 of 2012 on certain grounds, which was not considered by the first respondent on the reason that the civil suit is pending between the parties in respect of the very same settlement deed.

4.While filing the present writ petition, the petitioner has not averred anything about the pendency of the civil suit.

5.On the other hand, the learned counsel appearing for the respondents 3 to 5 brought to the notice of this Court that the very same petitioner has filed O.S.No.351 of 2013 on the file of District Munsif Court, Aruppukottai, seeking for a declaration to declare the very same settlement deed as null and void and that the said suit is still pending.

6.When that being the factual position, the petitioner has filed the present writ petition by suppressing the filing of the above-said suit and pendency of the same. Needless to say that when the petitioner has questioned the very execution of settlement deed in the said suit, unless and until the same is decided, the relief sought for before the registering authority cannot be considered. Needless to say that once the civil suit decides the validity of the said settlement deed, the fate of registration on such settlement deed will automatically follow. Therefore, I find that the present writ petition filed after filing the above-said civil suit is not maintainable.

<https://hcservices.ecourts.gov.in/hcservices/>

7.Accordingly, the writ petition is dismissed, however, with liberty to the petitioner to agitate the matter before the civil



court, where the said suit is pending. The dismissal of this writ petition will not stand in the way of the civil Court in deciding the matter on its own merits and in accordance with law. No costs.

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/True copy/

Sd/-
Assistant Registrar(c)

Sub Assistant Registrar

To

1.The District Registrar,
Virudhunagr,
Virudhunagar District.

2.The Sub-Registrar,
Veeracholan - Sub Registry Office,
Thiruchuli Taluk,
Virudhunagar District.

+2cc to Mr.T.Antony Arul Raj, Advocate SR.No.4609,4359

+1cc to Mr.V.S.Kishok Kumar, Advocate SR.NO.4419

+1cc to special Government Pleader SR.No.4525

skn

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