



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.2089 of 2017

and

WMP (MD) No.1741 of 2017

S.Velmurugan

.. Petitioner

Vs.

1.The Joint I Sub-Registrar,
Combined District Registrar Office,
Velunachiyar Complex,
Dindigul, Dindigul District.

2.Rajaammal

3.Subbiah

4.Murugesan

5.Balamurugan

6.Senthil @ Senthilkumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the 1st respondent by cancelling the settlement deed executed by the 2nd respondent in favour of the petitioner in Document NO. 354/2016 dated 12.02.2016 and the consequential settlement deed registered by the 1st respondent in Document No. 1271/2016 dated 12.05.2016 executed by the 2nd respondent in favour of the respondents no.3 to 6 and quash the same as illegal and consequently to direct the first respondent to restore the petitioner's settlement deed executed by the 2nd respondent in Document No.3220/2015, dated 13.11.2015 and made entries in the encumbrance certificate within a stipulated time.

For Petitioner

: Mr.B.Senthil Kumar

For R1

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

This writ petition is filed challenging the cancellation of the settlement deed executed by the second respondent in favour of the petitioner and a consequential direction to restore the petitioner's settlement deed executed by the first respondent in favour of the respondents 3 to 6.

2.The case of the petitioner is that the second respondent after having executed the settlement deed in favour of the petitioner, is not entitled to cancel the same unilaterally and consequently he is not entitled to execute the subsequent settlement deed in favour of the respondents 3 to 6. The entire dispute that has arisen between the parties is undoubtedly a private property dispute, which has to be agitated only before the competent civil court and therefore, there is no scope for this Court to interfere with such private dispute by exercising its jurisdiction under Article 226 of the Constitution of India.

3.The first respondent, who has registered the cancellation deed, has only exercised his power as the registering authority and therefore, if the petitioner is aggrieved against such unilateral cancellation made by the second respondent, first he should succeed in his attempt before the competent civil court by filing an appropriate suit challenging such cancellation. Without doing so, the petitioner is not entitled to seek the present relief as sought for in this writ petition. Accordingly, I find that the writ petition is not maintainable. Consequently, the writ petition is dismissed, however, by giving liberty to the petitioner to agitate the matter before the competent civil Court. No costs. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

The Joint I Sub-Registrar, Combined District Registrar Office,
Velunachiyar Complex, Dindigul, Dindigul District.

+One cc to Mr.B.Senthil Kumar, Advocate, SR.No.6787

+One cc to The Special Government Pleader, SR.No.7245

rj2

RL/4C/2P/SV/MMS/21.2.2017

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