



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 17.04.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD) No.6898 of 2017

M.Arun

.. Petitioner

Vs

The Sub-Registrar,
Ayyampalayam Sub-Registrar Office,
Ayyampalayam, Aathoor Taluk,
Dindigul District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 23.2.2017 within the time limit stipulated by this Court and consequently to direct the respondent to cancel the registration of the cancellation of gift deed in document No.505/2015, dated 23.3.2015 on the file of the respondent.

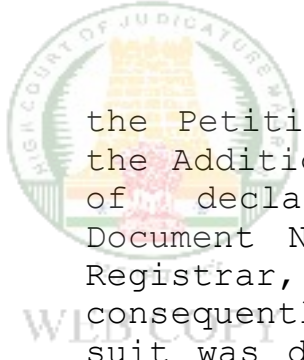
For Petitioner : M/s.M.S.Jeyakarthick
For Respondent : Mr.A.Muthukaruppan
Addl.Govt. Pleader

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 23.2.2017 within the time limit stipulated by this Court and consequently to direct the respondent to cancel the registration of the cancellation of gift deed in document No.505/2015, dated 23.03.2015 on the file of the respondent.

2.Mr.A.Muthukaruppan, learned Additional. Government Pleader takes notice for the respondent.

3.According to the Petitioner, the property in Door No.8-1-2 in Survey No.1006, Ayyampalayam Village, Aathoor Taluk, Dindigul District was given to the Petitioner by his mother by way of Gift Deed, dated 28.03.2014. Thereafter, the entire revenue records were mutated in favour of the Petitioner. However, subsequently it appears that the Petitioner's mother cancelled the gift deed executed in favour of the Petitioner, on 23.03.2015. Therefore,



the Petitioner was constrained to file O.S.No.518 of 2015 before the Additional District Munsif Court, Dindigul seeking the relief of declaration to declare the cancellation of gift deed in Document No.505/2015, dated 23.3.2015, on the file of the Sub-Registrar, Ayyampalayam, Dindigul District, as null and void and consequently, for the relief of permanent injunction. The said suit was decreed in favour of the Petitioner vide judgement and decree, dated 19.10.2016. Thereafter, the Petitioner is said to have made a representation to the respondent on 23.2.2017, requesting him to cancel the cancellation of gift deed in Document No.505 of 2015.

4. According to the Petitioner, in spite of receipt of the representation, no action was forthcoming from the respondent. From the above narration, it is very clear that the prayer sought for in this Writ Petition is in the form of executing the judgement and decree passed by the trial Court, by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Such a Writ Petition will not lie and the same is not maintainable and this Court's jurisdiction cannot be used for executing the judgement and decree of the trial Court. In case, the Petitioner wants the full benefit of the judgement and decree passed by the trial Court, it is always open to the Petitioner to resort to such remedy in the manner known to law before the appropriate forum.

5. In view of the above, the Writ Petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Sub-Registrar,
Ayyampalayam Sub-Registrar Office,
Ayyampalayam, Aathoor Taluk,
Dindigul District.

+ 1 CC TO Mr. JEYAKARTHICK, ADVOCATE IN SR No. 52210
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 52271

VSN

TE/SV-MMS : 03/05/2017 : 2P/4C

W.P (MD) No. 6898 of 2017