



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)No.164 of 2018

S.Varatharaja Bhoopathi

.. Appellant/writ petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Nagercoil & Post,
Kanyakumari District.

2. The Joint Registrar No.1,
District Registrar Office,
Nagercoil & Post,
Kanyakumari District.

3. S.Swarnapandian

4. S.Prabuthanka Marthandan

.. Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to allow the writ appeal and set aside the order passed in W.P(MD) No.2180 of 2015 dated 25.02.2015.

Prayer in WP(MD)No. 2180/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 22.12.2014 for revocation of the Mortgage Deed dated 06.05.2014 Registered as Document No. 1389 of 2014 on the file of the 2nd Respondent and pass such further or other orders.

For Appellant

: Mr.S.Rajasekar

For R-1 & R-2

: Mr.C.M.Mari Chelliah Prabu

Additional Government Pleader

For R-3 & R-4

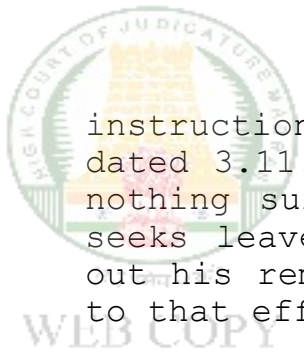
: Mr.M.P.Senthil

JUDGMENT

(Judgment of the Court was delivered by M.SATHYANARAYANAN, J.)

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

The learned counsel appearing for the appellant on



instructions would submit that after withdrawal of Circular No.67, dated 3.11.2017, by the Inspector General of Registration, Chennai, nothing survives for further adjudication in this writ appeal and seeks leave of this Court to withdraw the writ appeal and to work out his remedy administratively and he has also made an endorsement to that effect.

2. Per contra, Mr.M.P.Senthil, learned Counsel appearing for the respondents 3 and 4, would submit that preliminary decree came to be passed in O.S.No.69 of 1985 on the file of the Court of the Principal Subordinate Judge, Nagercoil and thereafter, final decree also came to be passed. But, before effecting settlement by metes and bounds, a Will came to be executed and in and by which, the concerned parties also got their share in the scheduled mentioned properties and the appellant is always in the habit of re-litigating the matter.

3. This Court heard the submissions of Mr.C.M.Mari Chelliah Prabu, learned Additional Government Pleader appearing for respondent Nos.1 and 2 also.

4. In the light of the endorsement made, the Writ Appeal is dismissed as withdrawn. However, the appellant, if so advised and if it is available under law, he may workout his remedy administratively before the competent forum. No Costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
District Registrar Office,
Nagercoil & Post,
Kanyakumari District.

2. The Joint Registrar No.1,
District Registrar Office,
Nagercoil & Post,
Kanyakumari District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 46041
+ 1 CC TO Mr.M.P.SENTHIL, ADVOCATE IN SR No. 46082

PM/RM
TE/SV-MMS/SAR-3 : 19/02/2018 : 2P/5C