

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27183 of 2016

P.Kalyana Sundaram

... Petitioner

Vs.

1. The Inspector General (Registration),
No.100, Santhome High Road,
Chennai-600 028.
2. The Sub Registrar,
Redhills Sub Registrar Office,
Redhills, Chennai-600 052.
3. The District Registrar (Administration),
North Chennai, Near Beach Railway Station,
Chennai-600 001.
4. Kokila

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the third respondent to consider the representation dated 18.04.2016 for cancelling a forgery gift deed vide document No.5326/2016 in the name of Mrs.Kokila, W/o.Venkatesan, which was registered by Redhills Sub Registrar Office.

For Petitioner

: Mr.K.Yuvaraj

For Respondents

: Mr.T.M.Pappiah,
Special Government Pleader
for RR1 to 3

Mr.S.Ilamvaludhi for R4

O R D E R

The petitioner, who claims to be the owner of the petition mentioned property, seeks a direction to the second respondent to consider his representation seeking to cancel the gift deed

registered as document No.5326/2016 in the name of the fourth respondent.

2. It is the case of the petitioner that he is the owner of the petition mentioned property. However, in respect of the said property a gift deed was executed by one V.Mari, S/o.Venkatesan, in favour of his mother/the fourth respondent. Hence, he submitted a representation to the respondents 1 to 3 to cancel the same. Since there is no response, he is before this Court.

3. The petitioner has not produced any documents before this Court to support his claim of title, excepting the release deed executed by the other legal heirs of his deceased grandfather. The petitioner also had not even furnished the copy of the gift deed, which he is seeking to cancel.

4. The alleged gift deed, being a registered document, if at all the petitioner is aggrieved, he has to take recourse only to the civil proceedings before the competent civil court for cancellation of the same and this Court cannot issue any direction as sought for by the petitioner, as the said prayer itself is not maintainable.

5. This writ petition is disposed of, giving liberty to the petitioner to move the appropriate civil court for his remedy. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General (Registration),
No.100, Santhome High Road,
Chennai-600 028.
2. The Sub Registrar,
Redhills Sub Registrar Office,
Redhills, Chennai-600 052.

3. The District Registrar (Administration),
North Chennai, Near Beach Railway Station,
Chennai-600 001.

+1 cc to The Government Pleader, Sr.No.12860
+1 cc to Mr.S.Ilamvaludhi, Advocate Sr.No.12415
+1 cc to Mr.K.Yuvaraj, Advocate Sr.No.11759

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RV (CO)
CSL/05.03.2019



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