

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.25692 of 2014

T.Kotiswaran

... Petitioner

Vs

1.The Sub Registrar,
Ponneri, Thiruvallur District.

2.N.Rajeswari

3.The Tahsildar,
Ponneri, Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the impugned deed of cancellation of settlement deed dated 28.08.2014 executed by the second respondent and presented and registered by the first respondent as Document No.8794/2014 on the file of the first respondent and quash the same.

For petitioner : Mr.C.Veeraraghavan

For R1 & R3 : Mr.P.P.Purushothaman, GA

For R2 : Mr.R.Munusamy

ORDER

By way of filing this writ petition, the petitioner seeks to quash the impugned deed dated 28.08.2014 of the first respondent cancelling the settlement deed dated 17.09.2007 executed by the second respondent / N.Rajeswari in favour of the petitioner.

2. It is submitted by the learned counsel for the second respondent that for the very same issue, the second respondent has filed a suit in O.S.No.217 of 2017 and the same is pending adjudication before the learned IV Additional District Court, Ponneri.

3. While dealing with a similar issue seeking cancellation of cancellation deed, the Hon'ble Division Bench of this Court in P.Rukumani and others Vs. Amudhavalli and others (W.A.No.229 of 2018, dated 17.07.2019) held that in a case relating to execution of a conveyance deed or a sale deed or cancellation thereof, if there is any dispute about the rights of the parties involved therein, the only appropriate remedy for the parties is to approach the Civil Court by way of civil suit, not the writ Court. For better appreciation, paragraph Nos.9 and 10 of the said judgment are extracted below:-

"9. Considering the submissions made at the bar, we are of the clear opinion that in a case relating to execution of a conveyance deed or a sale deed or cancellation thereof, if there is any dispute about the rights of the parties involved therein, the only appropriate remedy for the parties is to approach the Civil Court by way of civil suit. The act of registration of a document is a consequential act which will be subject to the decree of Civil Court in case such a dispute arises.

10. We are of the clear opinion that such a relief could not have been sought or granted in Writ Jurisdiction under Article 226 of the Constitution of India. The civil rights of the parties based on relevant evidence can only be determined by a Civil Court by a competent Civil Court and not by the writ court under Article 226 of the Constitution of India. Such private rights of the parties cannot be made a subject matter of writ jurisdiction. The writ petitions under Article 226 of the Constitution of India lie only against the State or instrumentality of the State as defined under Article 12 of the Constitution of India. Therefore, such determination of private civil rights of the parties cannot be made subject matter of writ petition."

4. In the light of the above said ratio of this Court, the writ petition filed by the petitioner questioning the Cancellation Deed executed on the file of the second respondent cannot be entertained by this Court and accordingly, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Sub Registrar,
Ponneri, Thiruvallur District.

2.The Tahsildar,
Ponneri, Thiruvallur District.

+1cc to Mr.C.Veeraraghavan, Advocate Sr.80975

+1cc to Mr.R.Munuswamy, Advocate Sr.80981

+1cc to the Government Pleader Sr.81174

W.P.No.25692 of 2014

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