



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANW.P.(MD)No.7509 of 2019

M.Alagar Raja

... Petitioner

Vs.

1. The Sub Registrar,
Sub Registrar Office,
Usilampatti Taluk - 625 532,
Madurai District.

2. The Commissioner,
Usilampatti Municipality,
Usilampatti Taluk - 625 532,
Madurai District.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti Taluk,
Madurai District.

4. The Deputy Superintendent of Police,
Usilampatti Taluk - 625 532,
Madurai District.

5. Pitchaiammal

6. Veeranan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to cancel the Settlement Deed bearing No.3476 of 2008 of the first respondent dated 21.11.2008 and direct the fourth respondent to initiate criminal action against respondents 5 and 6.

For Petitioner : Mr.A.Rajini

For R-1 : Mr.M.Murugan,
Government Advocate.

For R-2 : Mr.Mahendran

<https://hcservices.ecourts.gov.in/hcservices/> & R-4 : Mr.M.Rajarajan,
Government Advocate.

**O R D E R**

Heard the learned counsel on either side.

2. The prayer sought for in this Writ petition is for cancellation of a registered document dated 21.11.2008. The Hon'ble Supreme Court in the decision reported in (2016) 10 SCC 767 (Satya Pal Anand V. State of M.P. and others) had held that the competent authority would only be the civil Court alone. Therefore, the petitioner will have to necessarily move the civil Court for getting the relief of cancellation sought for in the Writ petition.

3. However, the learned counsel states that the Municipality had already issued proceedings with regard to assessment of the property in question. They had issued notice in Na.Ka.No.4102/2019/A1 dated 11.01.2019.

4. The second respondent is directed to conclude the aforesaid enquiry proceedings on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5. With this direction, the Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

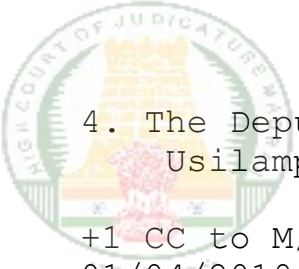
Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sub Registrar,
Sub Registrar Office,
Usilampatti Taluk - 625 532, Madurai District.
2. The Commissioner,
Usilampatti Municipality,
Usilampatti Taluk - 625 532, Madurai District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti Taluk, Madurai District.



4. The Deputy Superintendent of Police,
Usilampatti Taluk - 625 532, Madurai District.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-58009[F] dated
01/04/2019)

+1 CC to M/s.SPL GP (SR-58116[F] dated 01/04/2019)

+1 CC to M/s.A.RAJINI, Advocate (SR-58166[F] dated 01/04/2019)

pmu

W.P.(MD)No.7509 of 2019
29.03.2019

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