

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4003 of 2020
and
W.M.P. No. 4739 of 2020

A. Prabhu

... Petitioner

-vs-

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
2. The Sub-Registrar,
Virugambakkam,
Chennai.
3. N. Arumugam

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Unilateral Cancellation of the Settlement Deed dated 28.04.2014 registered as Document No. 2665 of 2014 on the file of S.R.O. Virugambakkam the Second Respondent herein and quash the same, consequently direct the First and Second Respondents to remove the encumbrance entries of the unilateral cancellation of the Settlement Deed dated 28.04.2014 registered as Document No. 2665 of 2014 on the files of S.R.O. Virugambakkam from the A Register on the files of S.R.O. Virugambakkam in connection with the Land and building bearing Plot No. 58, Door No. 4, 10th Cross Street, Subramanisamy Nagar, comprised in S. No. 212 Part and 205 Part, Valasarawalkam Village, Ambattu Taluk, Thiruvallur District, measuring to an extent of 472 sq. ft.

For Petitioner : Mr. S. Sathish Rajan

For Respondents: Mr. T.M. Pappiah,
Special Government Pleader
(for R1 and R2)

O R D E R

Having due regard to the nature of dispute sought to be agitated by the Petitioner in the Writ Petition, it is contended by Mr. T.M. Pappiah, Learned Special Government Pleader, who takes notice for the First and Second Respondents, that the Division Bench of this Court in P.Rukamani -vs- Amudhavalli [(2020) 1 CTC 241] has examined the question as to whether a Writ Petition under Article 226 of the Constitution challenging the validity of registration of document made under the Registration Act, 1908, could be entertained, and has held as follows :-

"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 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."

In view of the aforesaid submission made, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the petitioner to institute suit invoking Section 31 of the Specific Relief Act, 1963, for necessary relief before the jurisdictional Civil Court. He has also made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn

granting such liberty. Consequently, the connected the Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vjt

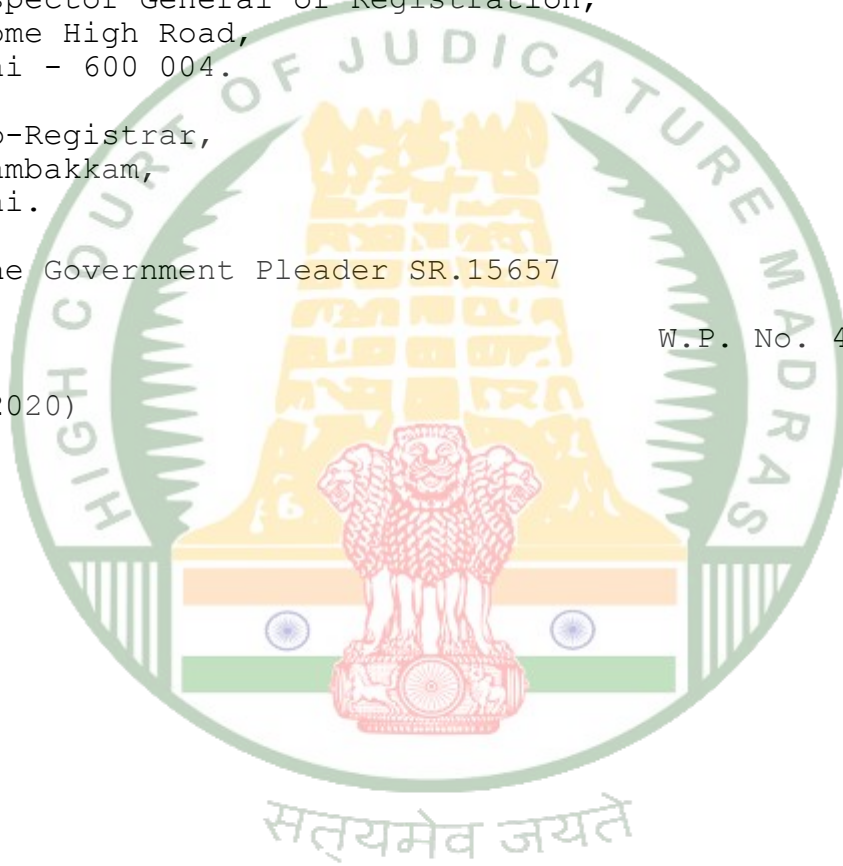
To

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
2. The Sub-Registrar,
Virugambakkam,
Chennai.

+1cc to the Government Pleader SR.15657

W.P. No. 4003 of 2020

AD(CO)
CB(27/05/2020)



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