

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3128 of 2013

E.Pasupathi

.. Petitioner

-vs-

1. The Inspector General of Registration,
Government of Tamil Nadu,
100, Santhome High Road,
Foreshore Estate, Chennai-28.

2. The Joint Sub-Registrar,
Sub-Registrar Office, Guduvancheri,
Kancheepuram District.

3.R.Elumalai Naikar

4.E.Sethupathi

5.E.Selvapathi

6.E.Gugapathi

... Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Declaration declaring the
cancellation deed registered by the 2nd respondent in document
no.7050 of 2011 dated 05.07.2011 and consequential settlement
deed registered at document no.8039/2011 dt.27.07.2011 as
illegal, void and against the provision of the Registration Act
pursuant to the representation dated 19.01.2013.

For Petitioner : Mr.T.Muruganantham
assisted by Mr.Rajkumar

For Respondents: RR1 & 2 - Mr.P.P.Purushothaman
Government Advocate

: RR3 to 5 - No appearance

ORDER

Heard Mr.M.Rajkumar, learned counsel assisted by
Mr.T.Muruganantham, learned counsel for the petitioner and
Mr.P.P.Purushothaman, learned Government Advocate for the first
and second respondents.

2.The petitioner seeks for issuance of Writ of Declaration to declare the cancellation deed registered by the 2nd respondent, executed by the third respondent, the petitioner's father and the consequential settlement deed executed by the third respondent in favour of the petitioner's brothers, respondents 4 to 6 as being illegal, void and against the provisions of the Registration Act.

3.The prayer sought for by the petitioner cannot be granted because the present proceedings is a writ petition under Article 226 of the Constitution of India. The question with regard to the maintainability of a writ petition for such a prayer was decided by the Hon'ble Supreme Court in Satya Pal Anand vs. State of Madhya Pradesh reported in (2016) 10 SCC 767.

4.In the light of the said decision, the remedy available to the petitioner is to approach the Civil Court and by way of writ petition, the petitioner cannot seek for cancellation of a document and also cancellation of a document executed in favour of the fourth to sixth respondents. Therefore, the writ petition stands disposed of by giving liberty to the petitioner to approach the Civil Court for necessary relief. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

abr

To

1. The Inspector General of Registration,
Government of Tamil Nadu,
100, Santhome High Road,
Foreshore Estate, Chennai-28.

2. The Joint Sub-Registrar,
Sub-Registrar Office, Guduvancheri,
Kancheepuram District.

+1 CC to The Govt. Pleader sr 1304

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KK(CO)
SP(04/02/2020)