

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.18227 of 2017 and
W.M.P. No. 19815 of 2017

1. M. Bharath
2. M. Praveen ... Petitioners

v.

1. The District Registrar,
Tiruvannamalai District,
Tiruvannamalai
2. The Sub Registrar,
Chetpet Sub Registrar Office,
Tiruvannamalai.
3. Thiru N.R. Dhasaradan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 2nd respondent to declare the deed of cancellation of settlement executed by the 3rd respondent, dated 04.06.2013 registered as document No.1377/2013, on the file of the 2nd respondent, by cancelling the settlement deed dated 18.02.2013 executed by the 3rd respondent in favour of the petitioners, registered as Document No.423/2013 on the file of the 2nd respondent is null and void and not binding upon the petitioners' possession over the property situated in Grama Natham Survey No.487/A1, New Survey No.541/14, Door No.153, South Mada Street, Nedungunam Village, Vandavasi Taluk, Thiruvannamalai District bounded on the South Street West - N.R. Radhakrishnan Share house, East - Seenuvasa Iyar House and North - Santhanam house in between East to West to an extent of 29 feet, North South 75 feet totally to an extent of 2175 sq. ft or 202.14 sq.m of vacant land which consist of Madras Roof House to an extent of North South 29 feet, East West 22 ft. totally 638 sq. ft. or 59.29 sq. m. in service connection No.65 and Well (1/3d share in Well).

For Petitioners : Mr. R. Surya Prakash

For Respondents : Mr .P.P. Purushothaman,
Govt. Advocate - R1 & R2

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the 2nd respondent to declare the deed of cancellation of settlement executed by the 3rd respondent, dated 04.06.2013 on the file of the 2nd respondent, by cancelling the settlement deed dated 18.02.2013 executed by the 3rd respondent in favour of the petitioners, registered as Document No.423/2013 on the file of the 2nd respondent as null and void and not binding upon the petitioners.

2. The petitioners are seeking to cancel the cancellation of settlement deed dated 04.06.2013 by giving a direction to the 2nd respondent.

3. So far as the cancellation of any registered document is concerned, the remedy open to the aggrieved party is only to approach the Civil Court. Since it is the matter for evidence, the same cannot be decided in a Writ Petition under Article 226 of the Constitution.

4. Mr. P.P. Purushothaman, learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner should only approach a competent Civil Court to get the cancellation of settlement deed dated 04.06.2013 set aside.

5. Since the issue involved in the present Writ Petition is a matter for evidence, the same can be decided only by a competent Civil Court. Hence, it is open to the petitioner to approach the competent Civil Court to get the cancellation of the settlement deed dated 04.06.2013 set aside in accordance with law.

With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Rj

To

1.The District Registrar,
Tiruvannamalai District,
Tiruvannamalai

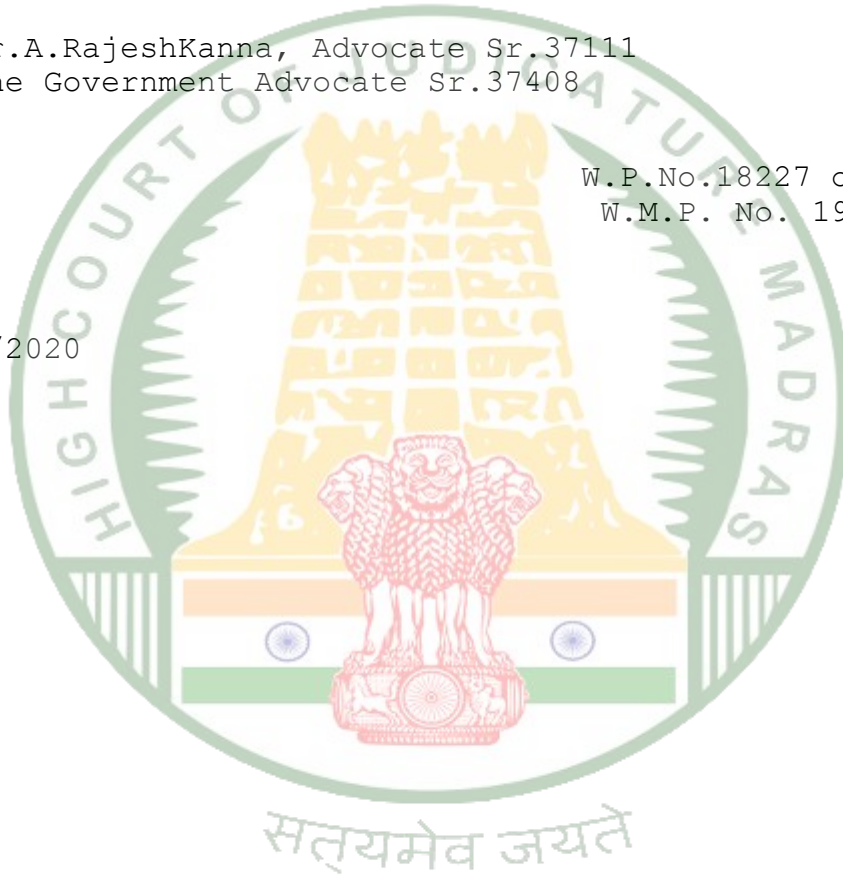
2. The Sub Registrar,
Chetpet Sub Registrar Office,
Tiruvannamalai.

+2cc to Mr.A.RajeshKanna, Advocate Sr.37111

+1cc to the Government Advocate Sr.37408

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nr[co]
srg 11/12/2020



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