



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

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

W.P. (MD) No. 299 of 2020

and

W.M.P. (MD) No.211 of 2020

WEB COPY

S.John Thiruthuvam

... Petitioner

-vs-

1.The District Registrar,
O/o.District Registrar,
Department of Registration,
Dindigul District.

2.The Sub-Registrar-I,
O/o.Sub-Registrar-I,
Department of Registration,
Dindigul, Dindigul District.

3.S.Ennasiyammal

4.S.Paulraj

5.S.Divyanathan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned registration of cancellation deed vide document No.R/Dindigul Joint I/Book-1/2177/2010 dated 11.06.2010 on the file of the Second Respondent and quash the same and consequently, directing the Second Respondent to delete the entries relating to the above document from the 'A' Register maintained by the Third Respondent.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 and R2 : Mr.M.Murugan,
Government Advocate.

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.M.Murugan, Learned Government Advocate, appearing for the First Respondent, that the Division Bench of this Court in **P.Rukumani -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 connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das



To

- 1.The District Registrar,
O/o.District Registrar,
Department of Registration,
Dindigul District.
- 2.The Sub-Registrar-I,
O/o.Sub-Registrar-I,
Department of Registration,
Dindigul, Dindigul District.

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