



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM:

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

W.P. (MD)No. 4596 of 2020

and

W.M.P. (MD)Nos.3950 and 3951 of 2020

WEB COPY

A.Arokiyaraj

... Petitioner

-vs-

1.The Sub Registrar,
Nagalnaickenpatti Sub-Registrar Office,
Dindigul.

2.E.Jeyarani

... Respondents

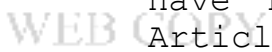
Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the impugned Cancellation of Settlement Deed, dated 26.03.2010, Registered with the First Respondent as Doc.No.1975 of 2010 and consequential Settlement Deed, dated 26.03.2010, Registered with the First Respondent as Doc.No.1976 of 2010 and to quash the same as against the public policy, illegal and direct the First Respondent to remove the entries relating to the said impugned Cancellation of Settlement Deed, dated 26.03.2010, as Doc.No.1975 of 2010 and consequential Settlement Deed dated 26.03.2010, as Doc.No.1976 of 2010.

For Petitioner	: Mr.K.R.Laxman
For R1	: 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, who takes notice 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 been 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.



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."

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently connected Miscellaneous Petitions are closed. No costs.

Assistant Registrar (CO)

/ / 2020

das

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and

04.03.2020