



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8562 of 2020

WEB COPY

Samipuram Colony Hindu Nadar Uravinmurai
A.P.K.Kaliyappa Nadar Padasalai,
Rep. By its President M.D.S.Ramdass

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Department of Registration,
Virudhunagar.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Thiruthangal,
Virudhunagar District.

3.K.Kirubakaran

4.K.K.Gnanshwaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring the impugned deed of cancellation (revocation) executed by the third respondent on 16.03.2018 in Document No.1154 of 2018, on the file of the second respondent as null and void and non-est in law and consequently to direct the respondents 1 and 2 to remove the entries in the Register including the subsequent transaction namely settling the property in favour of the fourth respondent vide Document No.4497 of 2018 dated 11.10.2018 made pursuant to unilateral cancellation of gift deed is also null and void.

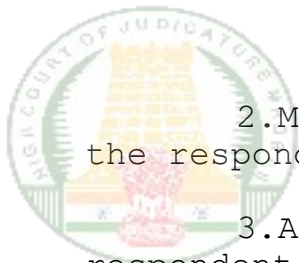
For Petitioner : Mr.M.Solaisamy

For RR 1 & 2 : Mr.V.Anand

Government Advocate.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Declaration, declaring the impugned deed of cancellation (revocation) executed by the third respondent on 16.03.2018 in Document No.1154 of 2018, on the file of the second respondent as null and void and non-est in law and consequently to direct the respondents 1 and 2 to remove the entries in the Register including the subsequent transaction namely setting the property in favour of the fourth respondent vide Document No.4497 of 2018 dated 11.10.2018 made pursuant to unilateral cancellation of gift deed is also null and void.



2.Mr.V.Anand, learned Government Advocate takes notice for the respondents 1 and 2.

3.According to the petitioner / Association, the third respondent gifted his property in Survey No.1137 to an extent of 1 acre 49 cents, Keelathiruthangal Village to establish a School and the same was executed as a deed of gift, dated 11.10.1993 in Document No.664 of 1994, which was registered in the second respondent's office. As per his willingness, the School was named in the name and style of 'Hindu Nadar Uravinmurai A.P.K.Kaliyappa Nadar Padasalai'. In the mean time, the Management passed resolutions on 19.06.2017 and 24.09.2017 to shut down Tamil medium School and to establish a new English medium Matriculation School at the same premises and as a Deputy President of the managing committee, the fourth respondent also signed in the resolution, dated 24.09.2017. But on 16.03.2018, the third respondent had unilaterally cancelled the Gift Deed No.664 of 1994 vide Document No.1154 of 2018 and settled the property in favour of the fourth respondent, through a gift deed in Document No.4497 of 2018. Hence, the petitioner / Association approached the respondents 1 and 2 to cancel the revocation deed, which was revoked after 24 years, but the second respondent failed to inspect the property to know about the current status nor enquired the petitioner. Hence, the petitioner has filed the present Writ Petition with the above said prayer.

4.The learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner has to approach the competent civil Court and raise all the grounds in the civil Court and the Writ Petition filed by the petitioner is not maintainable.

5.In view of the above submissions made by the learned Government Advocate, this Court is of the view that the parties concerned have to approach the civil Court, by adducing oral and documentary evidence and this Court under Article 226 of the Constitution of India cannot go in the same. Therefore, the only remedy available to the petitioner is approach the civil Court to redress his grievance.

6.With the above observation, the Writ Petition is dismissed with liberty to the petitioner to approach the civil Court to redress his grievance. No costs.

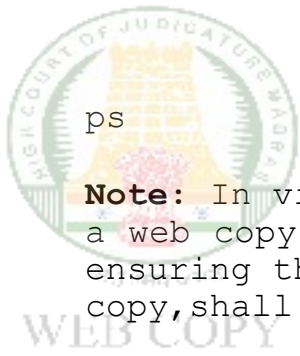
Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate /litigant concerned

To

1.The District Registrar,
Office of the District Registrar,
Department of Registration,
Virudhunagar.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Thiruthangal,
Virudhunagar District.

+1 CC to M/s.GP (SR-13641[F] dated 05/08/2020)

Order made in
W.P. (MD) No.8562 of 2020

Dated:03.08.2020

SPU(14.08.2020) 3P 4C