



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.A. (MD)No.724 of 2020

WEB COPY

T.V.Amarnath

... Appellant/Writ Petitioner

Vs.

1.The District Registrar,
Kumbakonam,
Thanjavur District.

2.The Joint Sub-Registrar,
Sub-Registrar Office,
Dr.Murthy Road,
Kumbakonam,
Thanjavur District.

T.V.Kamala (Died)

Cause title accepted vide Court Order
dated 21.08.2020 made in C.M.P. (MD)
No.3867 of 2020 in W.A. (MD) SR. No.
25676 of 2020

3.T.V.Sethuraman

... Respondents 1 to 3/Respondents 1 to 3

4.T.R.V.Mothiraman

5.T.V.Venkatraman

6.Usharani

7.Jeyalakhimi

... Respondents 4 to 7/4 to 7 Proposed

(Respondent 3 in WP(MD) no.21357 of 2016 died. Hence Substituted on behalf of her legal heirs as Respondent 4 to 7)

Prayer : Appeal filed under Clause 15 of the Letters Patent Appeal against the order passed by this Court in W.P.(MD)No.21357 of 2016, dated 05.06.2020.

Prayer in WP(MD). 21357/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the registration of the impugned Gift Settlement Cancellation Deed dated 03.06.2016 bearing document No.2405 of 2016 and Gift Settlement Deed dated 06.06.2016 bearing document No.2406 of 2016 on the file of the 2nd respondent and quash the same and consequently directing the 2nd respondent to delete the said entries from his record in respect of above said documents.



For Appellant : Mr.T.R.Subramanian
For Respondents 1 & 2 : Mr.K.Sathiyasingh
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by M.SATHYANARAYANAN, J)

The learned counsel appearing for the appellant/writ petitioner would submit that the matter in issue pertains to unilateral cancellation of Gift/Settlement Deed and the Writ Petition filed challenging the same came to be dismissed and hence, this Writ Appeal.

2.The learned counsel for the appellant/writ petitioner on instruction seeks permission of this Court to withdraw this Writ Appeal with liberty to avail the common law remedy by instituting a civil suit before the competent civil Court and undertakes to send an e-mail in this regard.

3.This Court also heard the submissions of Mr.K.Sathiyasingh, learned Additional Government Pleader appearing for the respondents 1 and 2.

4.In the light of the submission of the learned counsel for the appellant, the Writ Appeal is dismissed as withdrawn and the appellant/writ petitioner is permitted to avail the common law remedy before the competent civil forum in accordance with law. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

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,
Kumbakonam,
Thanjavur District.

2.The Joint Sub-Registrar,
Sub-Registrar Office,
Dr.Murthy Road,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.SPL GP(SR-16330[F] dated 09/09/2020)

+1 CC to M/s.T.R. SUBRAMANIAN, Advocate (SR-16533
[F] dated 10/09/2020)

W.A. (MD) No.724 of 2020
08.09.2020

SRK(CO)
KB(01.10.2020) 3P 5C