



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2020

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P..P. (MD) No.20833 of 2015
and
M.P. (MD) No.2 of 2015

G.Rukmani Ganesan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100 Santhome High Road,
Pathinapakkam, Chennai-600 028.

2.The Sub Registrar,
O/o, the Registrar,
Thirupathur,
Sivagangai District.

3.Radhakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records relating to the registration of the cancellation of the Settlement Deed dated 15.10.2007, registered as Document No.2486/2007 on the file of the Second Respondent and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents 1 & 2 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For Respondent 3 : Mr.P.Gnanasekaran

ORDER

When the matter was taken up for hearing through video conferencing, having due regard to the nature of dispute sought to be agitated by the Petitioner in the Writ Petition, it is contended by Mr.J.Gunaseelan Muthiah, Learned Additional Government Pleader, who takes notice for the First and Second Respondents, 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."

2. It is brought to the notice of this Court by the Learned Counsel for the Petitioner that the Petitioner has already filed a suit in O.S. No. 137 of 2014 on the file of the District Munsif Court, Thirupattur, Sivagangai District for declaration of title and recovery of possession in respect of the same property and further states that necessary application would be made in that suit seeking additional relief for declaring the impugned Cancellation Deed as nullity. In that backdrop, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to workout her right to seek the relief sought in this Writ Petition in the aforesaid suit. He has also sent an e-mail to the Registrar (Judicial) of this Court to that effect, which is placed on record.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is also made clear that the period from the date of presentation of this Writ Petition (i.e., 03.11.2015) till the date on which certified copy of this order is made ready by the Registry, shall be excluded for computing the period of



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limitation with regard to the additional relief proposed to be sought. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

ta/sj

To

1.The Inspector General of Registration,
No.100 Santhome High Road,
Pathinapakkam, Chennai-600 028.

2.The Sub Registrar,
O/o, the Registrar,
Thirupathur, Sivagangai District.

+1 CC to M/s.SPL GP (SR-13086[F] dated 04/06/2020)

W.P. (MD) No. 20833 of 2015
02.06.2020

AL(CO)
TR(08.06.2020) 3P 4C