

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.1164 of 2020
and C.M.P.Nos.14435 and 14422 of 2020

Bhagwan Das Mangal ... Appellant

-vs-

1.The Sub Registrar (Registration),
Office of Sub Registrar,
Neelangarai, Chennai - 41.

2.Madhusudan Futnani

3.M.F.Arul

4.Rajiv Mangal ... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 25.11.2019 passed in W.P.No.16642 of 2009 on the file of this Court.

WP.No.16642 of 2009:Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records the cancellation deed dated 17.10.2002 as registered Document No.3003 of 2002 on the file of the Sub Registrar Office Neelangarai and quash the same and directing the 1st Respondent delete the entry in Book No.2 Page 1 to 3.

For Appellant : Mr.A.Palaniappan

For Respondent : Mr.T.M.Pappiah
Spl.G.P. for R-1

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The writ petition was instituted upon the second respondent to the writ petition, a private party, unilaterally annulling a Deed of Sale executed by such respondent in favour of the writ petitioner appellant.

2.By the judgment and order impugned dated November 25, 2019, the Court of the first instance has permitted the suit filed by the writ petitioner to be transferred to the appropriate Court and a time-frame has also been indicated.

3.There can be no dispute that the private dispute between the writ petitioner and the second respondent to the petition ought not to be addressed in proceedings under Article 226 of the Constitution. To such extent, the order impugned cannot be faulted.

4.However, the writ petitioner says that following the bifurcation of the jurisdiction in the relevant Court, the directions issued at paragraph 5 of the impugned order become onerous. In view of such submission, the directions contained in paragraph 5 of the impugned order, which were issued only to facilitate the writ petitioner, are set aside and the writ petitioner is left free to pursue the appropriate suit in accordance with law.

With the above observation, the Writ Appeal, W.A.No.1164 of 2020, stands disposed of. Nothing observed in the order impugned herein will prejudice either set of parties in the pending suit. It will be open to the appellant to request the appropriate Court to dispose of the suit as expeditiously as the business of that Court would permit. There shall be no order as to costs. Consequently, C.M.P.Nos.14434 and 14222 of 2020 stand closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sra

To

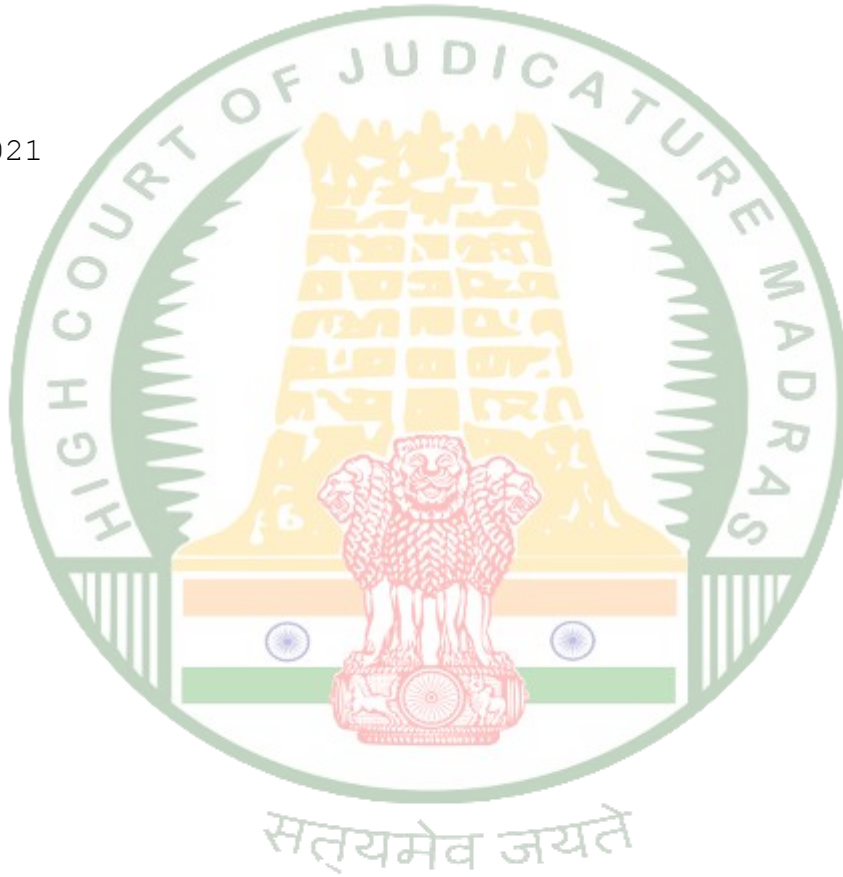
1.The Sub Registrar (Registration),
Office of Sub Registrar,
Neelangarai, Chennai - 41.

+1 cc to M/s.A.Palaniappan Advocate sr2071

+1 cc to the Government pleader sr1962

W.A.No.1164 of 2020

srII(co)
aa03/02/2021



WEB COPY