



WEB COPY

W.P.(MD) No.5406 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P.(MD) No.5406 of 2021

and

W.M.P.(MD) No.4314 of 2021

A.Mohan

.. Petitioner

Vs

1.The District Registrar,
O/o. District Registrar,
Department of Registration,
Thiruchirappalli District.

2.The Sub-Registrar,
O/o Sub-Registrar,
Department of Registration,
Manachanallur,
Thiruchirappalli District.

3.V.Arumugam

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned registration of cancellation deed vide document No.1879/2013 dated 12.04.2013 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 & R2 : Mr.V.Anand
Government Advocate

ORDER

The case of the petitioner is that his father had executed a settlement deed dated 01.03.2006 in favour of the petitioner in respect of the land measuring an extent of 2400 sq.fts out of the total extent of 1 acre 84 cents. Possession was also handed over to the petitioner immediately on executing the settlement deed and the patta was also issued in his favour and he has been in enjoyment and possession of the property, since 01.03.2006.

2.According to the petitioner, some third party had attempted to interfere with the possession and enjoyment of the property and during the process of making an enquiry, the petitioner had come to know that his father had cancelled the settlement deed dated

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01.03.2006 subsequently in the year 2013. According to the petitioner, cancellation of settlement deed is illegal and cannot be sustainable for the simple

reason that the settlement deed dated 01.03.2006 had been acted upon and possession was handed over and therefore, the question of cancellation did not arise at all.

3.This Court is unable to appreciate as to how a direction could be issued to the 2nd respondent to cancel the registration of cancellation deed, which is said to have taken place on 12.04.2013, as in the opinion of this Court proper remedy for the petitioner is to approach the competent civil Court. In a matter like this, adjudication of dispute between the petitioner and the 3rd respondent could involve investigation of facts and such adjudication cannot be undertaken by this Court in its writ jurisdiction. In any case, these are the matters required to be tried before a civil Court as evidence is necessary in order to establish the competing claims of the parties. Therefore, proper remedy open to the petitioner is to approach the civil Court and not this Court.

4.For the above said reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-10463[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-11008[F] dated 15/03/2021)

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GS (06.05.2021) 2P 3C