

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10151 of 2011  
and MP.Nos.1 and 2 of 2011

Murugan

... Petitioner

-Vs-

1. The Sub Registrar  
Office of Sub Registrar  
Virugambakkam  
Chennai.

2. Subramanian

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the cancellation of settlement deed vide document No.6766/2010 dated 13.12.2010 on the file of the first respondent and quash the same.

For Petitioners : Mr.S.Sairaman

For Respondents : Mr.A.Selvendran  
Special Government Pleader  
for R1

Mr.T.S.Baskaran  
for R2

O R D E R

This writ petition has been filed challenging the cancellation deed dated 13.12.2010 executed by the 2nd respondent, cancelling the settlement deed executed in favour of the petitioner on 13.12.2010.

2.Heard Mr.S.Sairaman, learned counsel for the petitioner, Mr.A.Selvendran, learned Special Government Pleader for R1 and Mr.T.S.Baskaran, learned counsel for R2.

3.The issue involved in this writ petition is squarely covered by the latest judgment of the Hon'ble Supreme Court in

Asset Reconstruction Company (India) Limited .v. S.P.Velayudam reported in 2022 3 MLJ 747 wherein, it was categorically held that a writ petition is maintainable only to quash the act of Registration, if a statutory authority has failed to perform his statutory duty under the Registration Act and declaration of a document as null and void falls within the exclusive jurisdiction of the Civil Court. This Court had also dealt with all the earlier judgments and held in W.P.No.12950 of of 2009 etc., batch dated 06.04.2022 that a relief sought for as in this writ petition is not maintainable.

4.In view of the above, the relief sought for by the petitioner cannot be granted tby this Court and liberty is granted to the petitioner to approach the Civil Court and workout his remedy in accordance with law.

5.In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KP

To

The Sub Registrar  
Office of Sub Registrar  
Virugambakkam  
Chennai.

+1cc to the Government Pleader, S.R.No.40712

W.P.No.10151 of 2011

VG-II(CO)  
CT/18/07/2022