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W.P.No.10530 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10530 of 2015
and MP.No.1 of 2015

B.Gopalakrishnan

... Petitioner

.Vs.

1 The Inspector General of Registration
Office of the Inspector General
of Registration
Santhome High Road
Chennai 600 004.

2 The Sub Registrar
The Sub Registrar's Office
Panruti 607 106

3 The District Registrar
Office of the District Registrar
Cuddalore - 607 002

4 B.Sekar

5 V.Kumar

... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying to issue a Writ Certiorarified Mandamus Calling for the records of the 2nd Respondent Culminated in the cancellation deed dated 15/10/2004 registered as Document No.2193 of 2004 in the office of the Sub-registrar, Panruti in respect of the Schedule mentioned properties and quash the same and consequentially direct the 2nd Respondent to remove the entry made as Document No.2193 of 2004 in book 1 in office of the Sub-Registrar Panruti.

For Petitioner : Mr.P.V.Balasubramaniam

For Respondents : Mr. T.K.Saravanan
Government Advocate
for R1 to R3

Mr.V.M.Venkatraman
for R4

Mrs.Malathi Devaperiyam
for R5

ORDER

This writ petition was filed to declare the cancellation deed dated 15.10.2004 as null and void and non-est in the eye of law.

2. Heard Mr.P.V.Balasubramaniam, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate for R1 to R3, Mr.V.M.Venkatraman, learned counsel for R4 and Mrs.Malathi Devaperiyam, learned counsel for R5



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3.The issue involved in the present writ petition is squarely covered by the judgment of the Hon'ble Supreme Court in ***Asset Reconstruction Company (India) Limited .Vs. S.P.Velayutham and Others*** reported in ***2022 3 MLJ 747*** and the judgment of the learned Single Judge in ***D.Sachidhanandam .Vs. The Registrar/Inspector General of Registration and others*** reported in ***2022 1 Writ LW 501***, wherein, it has been categorically held that a writ petition is not maintainable for declaring any registered document as null and void and it falls exclusively within the jurisdiction of Civil Court. The relief sought for in this writ petition is to declare the cancellation deed as null and void and such a prayer cannot be entertained in this writ petition.

4.The learned counsel for the petitioner submitted that the petitioner had already filed a civil suit in O.S.No.33 of 2004 before the Sub Court, Panruti, seeking for the relief of declaration of title and mandatory injunction and the suit was decreed through a judgment and decree dated 13.04.2018. In view of this development, no further orders are required to be passed in this writ petition. If the petitioner wants the entry made in the relevant records in the Office of the Sub-Registrar, Panruti, pertaining to registration of the cancellation deed to be cancelled, the petitioner has to register the decree that was passed in his favour and by doing so, the earlier entry will get cancelled.



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5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2022

KP

Internet: Yes

Index: Yes/No



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To

- 1 The Inspector General of Registration
Office of the Inspector General
of Registration
Santhome High Road
Chennai 600 004.

- 2 The Sub Registrar
The Sub Registrar's Office
Panruti 607 106



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N.ANAND VENKATESH. J.,

KP

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