



WEB COPY



W.P.No.13705 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13705 of 2011
and MP.No.1 of 2011

Monica Sri

... Petitioner

.Vs.

- 1.The State of Tamil Nadu
Secretary to the Government
Department of Registration
Secretariat, Chennai 600 009.
- 2.The Inspector General of Registration
Department of Registration
Santhome High Road
Chennai 600 028.
- 3.The District Registrar
Nellukara Street
Peria Kancheepuram-631 501.
- 4.The Sub-Registrar
Thiruvallur Sub-Registration District
Thiruvallur.
- 5.N.Sivaraman

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent herein pertaining to the order of registering the Cancellation deed dated 06.12.2010 as Doc.No.12578 of 2010 and quash the same and consequently direct the 4th respondent herein to remove the cancellation entry from encumbrance.



W.P.No.13705 of 2011

For Petitioner : Mr.T.Kabilan
For Respondents : Mr.Tippusulthan
Government Advocate
for R1 to R4
Mr.D.Ashok Kumar
for R5

WEB COPY

ORDER

This writ petition has been filed to declare the deed of cancellation dated 06.12.2010 and to remove the same, registered on the file of the 4th respondent.

2.Heard MrMr.T.Kabilan, learned counsel for the petitioner, Mr.Tippusulthan, learned Government Advocate for R1 to R4 and Mr.D.Ashok Kumar, learned counsel for R5.

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 a 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 impugned document as null and void and such a prayer cannot be entertained in this writ petition.



W.P.No.13705 of 2011

4.It is left open to the petitioner to challenge the impugned document before the Competent Civil Court and workout her remedy in the manner known to law. Except giving this liberty, no further orders can be passed in this writ petition.

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

12.07.2022

KP
Internet: Yes
Index: Yes/No

To

- 1.Secretary to the Government
The State of Tamil Nadu
Department of Registration
Secretariat
Chennai 600 009.
- 2.The Inspector General of Registration
Department of Registration
Santhome High Road
Chennai 600 028.
- 3.The District Registrar
Nellukara Street
Peria Kancheepuram-631 501.
- 4.The Sub-Registrar
Thiruvallur Sub-Registration District
Thiruvallur.



WEB COPY



W.P.No.13705 of 2011

N.ANAND VENKATESH. J.,

KP

W.P.No.13705 of 2011

12.07.2022