



W.P(MD)No.6429 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6429 of 2015

and

M.P(MD)No.2 of 2015

1.M.K.M.Rahmathulla
2.M.K.M.Abdul Kuthoose
3.M.K.M.Kadher Mohideen
4.M.K.M.Mohammed Masood

... Petitioners

Vs.

1.The Sub-Registrar,
Kadayanallur,
Thenkasi Taluk,
Tirunelveli District.

2.M.K.M.Abdul Wahab

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned cancellation deed, dated 07.04.2014 and registered as document No.1070 of 2014 in the office of the Sub-Registrar, Kadayanallur, Thenkasi Taluk, Tirunelveli District, the first respondent herein and quash the same.



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For Petitioners : M/s.A.Ilaya Perumal
For R-1 : M/s.S.Jeyapriya
Government Advocate
For R-2 : Mr.A.Nister Hakkeem

ORDER

The present Writ Petition has been filed challenging the registration of a cancellation deed of an already registered release deed.

2. According to the learned Counsel for the petitioners, the petitioners and the second respondent herein are co-sharers and they have entered into a registered release deed on 18.07.2013 and the same was registered before the first respondent herein. Thereafter, on 07.04.2014, the second respondent has unilaterally cancelled the said release deed. The said cancellation deed has been registered by the first respondent herein. The said registration is under challenge in the present writ petition.



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3. Once the document has been registered and released, the first respondent will not have any jurisdiction to entertain the document for cancelling the said registered release deed. A perusal of the release deed indicates that the second respondent and his family members have received a sum of Rs.6,00,000/- towards consideration for executing the release deed in respect of the property in dispute.

4. The Hon'ble Full Bench of this Court in a judgment reported in **2022 (5) CTC page 257** has held that, the Sub-Registrar will not have any jurisdiction to entertain a document, under which, the previously executed registered release deed is being cancelled.

5. In view of the above said legal position, the writ petition stands allowed. Document No.1070/2014 on the file of the first respondent is directed to delete from the encumbrance certificate. However, the second respondent is at liberty to approach the competent civil Court to resolve the civil dispute.



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6. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.10.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Sub-Registrar,
Kadayanallur,
Thenkasi Taluk,
Tirunelveli District.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.6429 of 2015

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