



W.P.No.26858 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26858 of 2015 &
M.P.No.1 of 2015

Annadurai

...Petitioner

Vs.

1.The State Rep by Block Development Officer,
Panchayat Union,
Bangalore Main Road,
Krishnagiri District.

2.T.S.Chinnaswamy

3.The Joint Sub Registrar,
Officer of the Sub Registrar,
Krishnagiri Taluk.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to cancel the Gift Deed registered in document No.2212 of 2004 at the office of the Joint Sub Registrars No.2, Krishnagiri in favour of Commissioner, Panchayat Union by a Gift Deed dated 06.12.2004.



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For Petitioner : Mrs.Selvi George

For Respondents 1 & 3: Mr.C.Jayaprakash,
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the third respondent to cancel the Gift Deed.

2. High Court cannot issue a direction to cancel the document through a writ of mandamus. It requires an adjudication on merits. In the present case, the petitioner states that portion of the property belonging to him was gifted by the second respondent fraudulently and therefore, the said document is directed to be cancelled.

3. For cancelling a document, a complaint is to be registered in the manner contemplated under the provisions of the Registration Act. More so, in the present case, the petitioner claims title over the portion of the property which was gifted by the second respondent. Thus, the dispute exists between the petitioner and the second respondent and such a dispute involving title or ownership cannot be adjudicated either by the District



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Registrar or by the High Court in a writ proceeding under Article 226 of the Constitution of India.

4. Thus, the petitioner is at liberty to approach the Competent Civil Court of law for the purpose of resolving the issue.

5. With these observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2023

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Index : Yes

To

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S.M.SUBRAMANIAM, J.

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