



WEB COPY

W.P.Nos.19756 & 19758 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.19756 & 19758 of 2023

1.Mr.S.Govarthanan

2.Mrs.S.Vijaya

... Petitioners
in 2 WPs

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Sub-Registrar,
No.21, Grand Southern Truck Road,
Jaibeemnagar, Guduvancheri,
Tamil Nadu – 603202.

... Respondents
in 2 WPs

Prayer in W.P.No.19756 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring the registration of the Deed of Cancellation as Documents No.2772 of 1995 dated 27.10.1995 by the 2nd respondent as null and void.



Prayer in W.P.No.19758 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to remove the encumbrance entry relating to the Deed of Cancellation as Document No.2772 of 1995 dated 27.10.1995 reflecting in respect of the petitioner's property situated at Old No.19/1, New No.19/23. Kuthanoor, Neelamagalam, Kanchipuram District along with the agricultural land in Survey No.9/1, 6/6A.

For Petitioners	: Mr.Hari Radhakrishnan (in 2WPs)
For Respondents	: Mr.C.Jayaprakash Government Advocate (in 2WPs)

COMMON ORDER

The writ petition in W.P.No.19756 of 2023 has been filed to declare the the registration of the Deed of Cancellation as Documents No.2772 of 1995 dated 27.10.1995 by the 2nd respondent as null and void.

2. The writ petition in W.P.No.19758 of 2023 has been filed to direct the 2nd respondent to remove the encumbrance entry relating to the Deed of Cancellation as Document No.2772 of 1995 dated 27.10.1995 reflecting in



respect of the petitioner's property situated at Old No.19/1, New No.19/23. Kuthanoor, Neelamagalam, Kanchipuram District along with the agricultural land in Survey No.9/1, 6/6A.

3. The relief sought for in the writ petition in W.P.No.19756 of 2023 is not entertainable in view of the fact that for granting relief of declaration an adjudication of facts is required. Disputed facts cannot be adjudicated in writ proceedings.

4. Therefore, the petitioners have to approach the Competent Civil Court of law for the purpose of resolving the issues and redress their grievances. More so, the document under challenge was registered in the year 1995 and almost 27 years lapsed. Therefore, the relief as such sought for cannot be granted in these writ petitions. However, the petitioner has to approach the Competent Civil Court of Law for the purpose of redressing the grievance .

5. The writ petition in W.P.No.19758 of 2023 filed seeking consequential relief to change entries in the encumbrance certificate. Thus, both the writ petitions are not entertainable and power of judicial review



cannot be extended for the purpose of adjudication of the validity of the registered document on disputed issues.

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6. Accordingly, both the Writ Petitions are dismissed. No costs.

06.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

1.The Inspector General of Registration,
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