



W.P.(MD)No.19687 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19687 of 2020

and

W.M.P.(MD)Nos.16410 and 16416 of 2020

VE.Sathiyamoorthy

... Petitioner

-VS-

1.The Sub Registrar,
Joint II Sub Registrar Office,
Karaikudi,
Sivagangai District.

2.V.Sugunadevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent culminating in the registration of the unilateral cancellation of gift deed in Document No.5286 of 2015, dated 01.09.2015 and 23.09.2015, executed by the second respondent in respect of the petitioner's property in Survey No.32/2A 1A, situated at Eluppakudi Village Karaikudi Taluk, Sivagangai District, situated within Sub-Registration, Karaikudi Joint II and Registration District, quash the same and consequently, direct the first respondent to make necessary entries in Book No.1, on his file records such quashment of cancellation deed.

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For Petitioner : Mr.L.Juliet Caroline
For R1 : Mr.A.K.Manikkam
Special Government Pleader
For R2 : Mr.C.Jayakumar

ORDER

This Writ Petition was filed challenging the unilateral cancellation of the settlement deed, dated 15.01.2015, on the ground that it is *non est* in the eye of law.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on behalf of the first respondent and the learned counsel for the second respondent.

3. It is seen from the records that the second respondent is the wife of the petitioner and she had executed a settlement deed in favour of the petitioner on 04.12.2014. This settlement deed was cancelled by virtue of the cancellation deed, dated 15.01.2015. The same has been put to challenge by the petitioner before the competent Civil Court in O.S.No.34 of 2019 and the same is pending. Parallely, the petitioner has also filed the present Writ Petition before this Court.



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4. In view of the fact that the petitioner has already chosen a forum for challenging the cancellation deed and has also sought for consequential reliefs, the petitioner will not be permitted to prosecute this Writ Petition also. In view of the same, the *inter se* rights between the parties and the effect of the cancellation of the settlement deed will be dealt with by the Civil Court on its own merits and in accordance with law. There shall be a direction to the learned District Munsif, Karaikudi, to complete the proceedings in O.S.No.34 of 2019, within a period of three months from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
smn2

14.12.2023

Copy to:-

The District Munsif,
Karaikudi.



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To

The Sub Registrar,
Joint II Sub Registrar Office,
Karaikudi,
Sivagangai District.



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N.ANAND VENKATESH, J.

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