



W.A.No.1534 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.03.2024

Coram:

The Hon'ble Mr.Justice **S.M.SUBRAMANIAM**

and

The Hon'ble Mr.Justice **K.RAJASEKAR**

W.A.No.1534 of 2022

Ponnusamy
Principal Petitioner
rep. By T.Rajendan
General Power of Attorney

...Appellant

Vs.

1. The Government rep. By its
Secretary to Government,
CT & RE Department,
Secretariat, Chennai – 600 009
2. The Inspector General of Registration,
100, Santhom High Road,
R.A.Puram, Chennai – 600 028
3. The Sub Registrar,
Palacode,
Dharmapuri District – 636 701
4. The Sub Registrar,
Palacode,
Dharmapuri District – 636 808



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5. Veerappan

...Respondents

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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order of this Court made in W.P.41430 of 2021 dated 04.08.2021.

For Appellant :Mr.A.S.Palanisam

For Respondents :Mr.B.Vijay for R1 to R4
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by
S.M.SUBRAMANIAM, J.]

The Writ Appeal has been filed against the order dated 04.08.2021 passed in W.P.No.1430 of 2021.

2. The grievances of the Writ Appellant / Writ Petitioner was that a gift deed was executed in favour of the 5th respondent by one Mr.Mariappan. The said Marriappan sold a portion of the property to the Writ Appellant / Writ Petitioner. In view of the discrepancy in the property schedule, the Appellant / Petitioner has chosen to file the Writ



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Petition.

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3. Admittedly, the gift deed was executed in the year 1997 and the Writ Petition has been instituted after a lapse of about 27 years. More so, the Registering Officer has no powers to cancel the gift deed executed in the year 1997. Regarding rectification of error, if any, the same is to be corrected by the parties in the manner contemplated under the Registration Act. However, this Court cannot issue any direction to cancel the gift deed or the subsequent deed executed by Marriappan in favour of the Writ Appellant / Writ Petitioner. Such disputes of civil in nature cannot be adjudicated in the Writ Petition.

4. Thus we do not find any infirmity in respect of the order passed by the Writ Court and the appellant is at liberty to approach the competent Civil Court of law for redressal of his grievances.

With the above direction, the Writ Appeal is disposed of. No costs.

[S.M.S., J.]

[K.R.S., J.]



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Index:Yes/No
Internet:Yes/No.
Speaking / Non Speaking order

ssd

S.M.SUBRAMANIAM, J.,

K.RAJASEKAR, J.,
ssd

To

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