



W.A.No.804 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.804 of 2024

W.Andrews Santhanaswamy

.. Appellant

Vs.

1.The Sub Registrar,
The Sub-Registrar,
Virugambakkam.

2.M.S.Anthonyraj

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 27.9.2019 passed in W.P.No.30485 of 2014.

For the Appellant

: Mr.R.Venkatesh

For the Respondents

: Mr.T.K.Saravanan
Government Advocate
for respondent No.1



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: Mr.L.Chandrakumar
for respondent No.2

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.R.Venkatesh, learned counsel for the appellant; Mr.T.K.Saravanan, learned Government Advocate for the first respondent; and, Mr.L.Chandrakumar, learned counsel for the second respondent.

2. Learned counsel for the appellant submits that the Court could not have entertained the writ petition. The original writ petitioner ought to be directed to approach the civil court. The judgment of the Full Bench relied by the learned Single Judge is applicable to the sale deeds and not to the settlement deeds. The instrument in question is a settlement deed.

3. Learned counsel for the second respondent submits that the order of the learned Single Judge has already been implemented and the settlement deed executed in favour of the present appellant is



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4. It appears that a settlement deed was executed in favour of the second respondent by one M.S.Prichilla Mary, vide Document No.428 of 2009 dated 6.2.2009, in respect of an extent of 50% of undivided share of land in Plot No.402, Ashtalakshmi Nagar in Survey No.360/2B, Maduravoyal Town Panchayat, Alapakkam Village, Ambattur Taluk, Thiruvallur District. It also appears that the same was unilaterally cancelled by the said Prichilla Mary and another settlement deed was executed in the year 2012 in favour of the present appellant. The same was assailed. After the settlement deed was executed in favour of the second respondent, a right is created in favour of the second respondent in respect of the said property. The settlement deed was unilaterally cancelled and the same has been set aside. The present appellant was not even a party to the said settlement deed executed in favour of the second respondent.

5. Be that as it may, the appellant can approach the civil court for his rights, if any. The civil court would be the competent to decide



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the right, title and interest and the execution of the document in question.

6. As the order of the learned Single Judge is already implemented and, further, the appellant was not even a party to the settlement deed executed in favour of the second respondent by Prichilla Mary, we are not inclined to interfere with the order of the learned Single Judge. In case, the present appellant institutes a civil suit, then all contentions of the respective parties are kept open.

7. With these observations, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.5483 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.03.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Sub Registrar, Virugambakkam.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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