

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No.15334 of 2019
and
W.M.P. No.15320 of 2019

1. Madhiazhagan
2. Shanthi

..... Petitioners
Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 004.
2. The Sub-Registrar,
Thalaivasal Registration Office,
Attur Taluk, Salem District.
3. N. Chinnu
4. Thenmozhi
5. Katturaja

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent to consider and pass orders on the representation of the Petitioner's dated 15.09.2018 and 04.10.2018 to remove the entry in their Books and registers pertaining to the deed of Cancellation of Settlement Deed dated 08.09.2014, bearing Document No.1691/2004, on the file of the Second Respondent, in light of the law declared by this Court, reported in 2017(4) LW 523.

For Petitioners : Mr. K. Shakespeare

For Respondents : Mr. T. M. Pappiah,
Special Government Pleader
for R1 and R2
Mr. M. Rajendran for R4
No Appearance for R3 and R5

O R D E R

When it is pointed out by Mr. T. M. Pappiah, Learned Special Government Pleader, who takes notice for the First and Second Respondents that the Petitioner cannot call upon the Registering Authority to cancel registration of a document executed between

some other persons relating to the property claimed to be owned by the Petitioner and his remedy in that regard is to institute suit in the jurisdictional Civil Court invoking Section 31 of the Specific Relief Act, 1963, as held by the Full Bench of this Court in Muppudathi Pillai -vs- Krishnaswami Pillai (AIR 1960 Madras 1), while considering Section 39 of the Specific Relief Act, 1877 (corresponding to Section 31 of the Specific Relief Act, 1963), which has been reiterated by the Division Bench of this Court in P. Rukamani -vs- Amudhavalli (Judgment dated 17.07.2019 in W.A. No. 229 of 2018), Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same and he has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 004.

2.The Sub-Registrar,
Thalaivasal Registration Office,
Attur Taluk, Salem District.

+1 CC to Mr.K.Shakespeare, Advocate sr 74447.

+1 CC to Govt. Pleader sr 76160.

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and

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SR(CO)
SP(06/09/2019)