

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

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

W.P. No. 425 of 2018

and

W.M.P. Nos. 478 and 479 of 2018

1. V. Murugan

2. M. Manikandan

3. M. Ayappan

4. Minor Kumaran

Represented by his Father/Natural Guardian

V.Murugan Petitioners

-Vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai - 600 028.

2. The District Registrar,
No.12, Chairman Chidambaram Street,
West Shanmugapuram Colony,
Villupuram - 605 602.

3. The Sub-Registrar,
Anniyur Sub-Registrar Office,
Villupuram - 605 202.

4. Mrs. Suseela

5. Mr. Samimalai

6. Minor Pachaiyappan

Represented by his Father/Natural Guardian

Mr. Samimalai.

7. Mr. Elumalai

8. Minor Kabilan

Son of Mr. Elumalai,

Represented by his mother/Guardian

Mrs. Indrani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the registration of unilaterally executed cancellation of settlement deed in Document No. 2048 of 2009 dated 17.12.2009 on the file of the Third Respondent, quash the same and also quash the subsequent sale deed in Document Nos. 1330 of 2017 and 1331 of 2017 both dated 22.08.2017 on the file of the Third Respondent and direct the First to Third Respondents to remove the above entries from the encumbrance certificate.

For Petitioner : Mr. K. Balaganesh

For Respondents : Mr. T. M. Pappiah for R1 to R3,
Special Government Pleader

Mr. N. Jayachander for R4, R7 and R8
No appearance for R5 and R6

O R D E R

When it is pointed out by Mr. T.M. Pappiah, Learned Special Government Pleader appearing for the First to Third Respondents, that the Petitioners 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 them and their 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 Petitioners 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. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

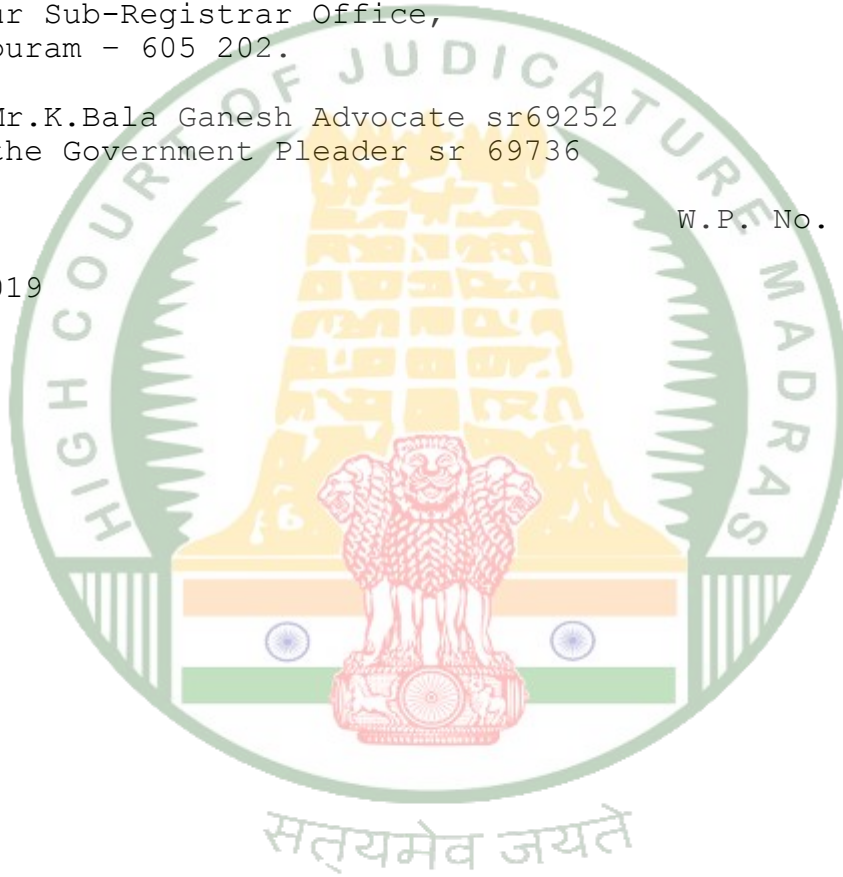
To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai - 600 028.
2. The District Registrar,
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West Shanmugapuram Colony,
Villupuram - 605 602.
3. The Sub-Registrar,
Anniyur Sub-Registrar Office,
Villupuram - 605 202.

+1 cc to Mr.K.Bala Ganesh Advocate sr69252
+1 cc to the Government Pleader sr 69736

W.P. No. 425 of 2018

aa06/09/2019



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