

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 31.07.2019  
CORAM  
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 9235 of 2018  
and  
W.M.P. No. 11048 of 2018

V. Mohan ... Petitioner

-Vs-

1. The Collector,  
Tiruvallur District,  
Office of the District Collectorate,  
Tiruvallur - 602 001.
2. The Revenue Divisional Officer,  
Tiruvallur District,  
Office of the District Collectorate,  
Tiruvallur - 602 001.
3. The Sub-Registrar,  
Sub-Registrar Office,  
Uthukottai Town,  
Tiruvallur District - 602 026.
4. S. G. Rajasekar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Third Respondent to reject the sale deed wrongly presented and registered with in correct extent of land and consequently to direct the Second Respondent to correct Field Measurement Book (FMB) in revenue records pertaining to Survey Number in Survey Nos. 303/1 and 303/5 in Uthukottai Town, Thiruvallur District as extent 0.02.0 hectare, which is equal to 4.97 cents.

For Petitioner : Mr. M.L. Ramesh

For Respondents : Mr. R. Venkatesh,  
Government Advocate (for R1 & R2)

Mr. T.M. Pappiah for R3,  
Special Government Pleader

Mr. R. Vishnu for R4

O R D E R

When it is pointed out by Mr. T.M. Pappiah, Learned Special Government Pleader appearing for the Third Respondent that the Petitioner cannot call upon the Registering Authority to cancel registration of a document executed between two parties relating to a property claimed to be owned by him and his remedy in that regard is only to approach 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 aforesaid remedy and he has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is needless to add here that depending upon the outcome of the decision of the Civil Court in such suit that may be instituted by the Petitioner, it would be open to the Petitioner to approach the revenue authorities to make changes in their records in consonance with the same. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

vji

To

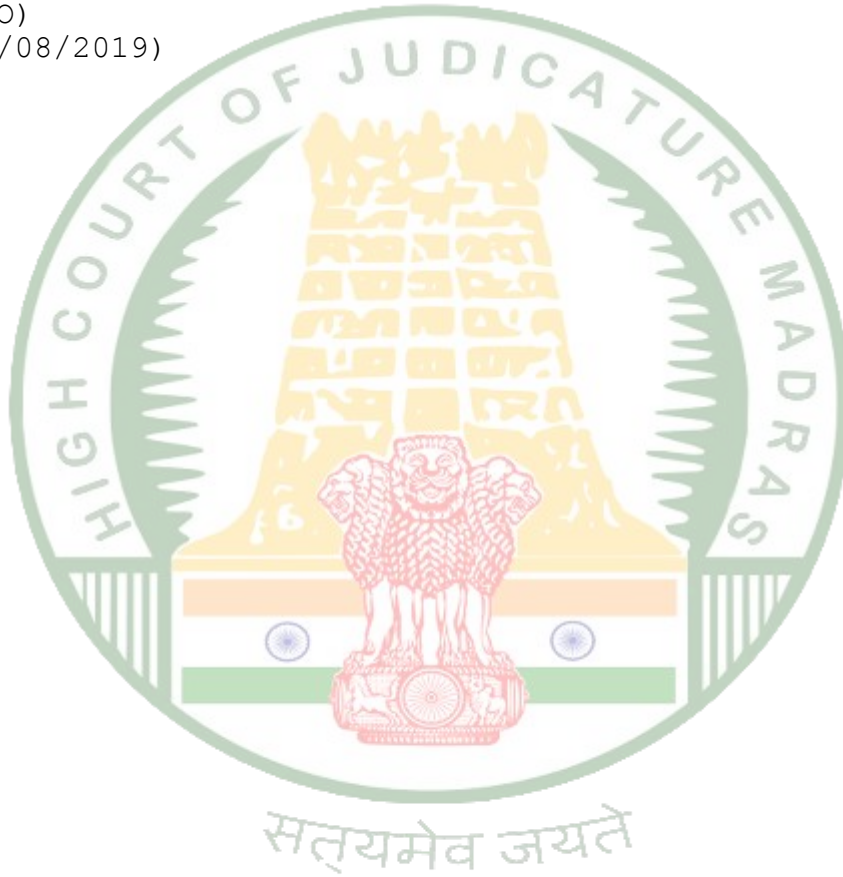
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+1cc to Mr.M.L.Ramesh , Advocate SR.No. 65440  
+1cc to Mr.K.Ramu , Advocate SR.No. 66129  
+1 cc to Government Pleader Sr.No. 65961

W.P. No. 9235 of 2018

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