

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

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

W.P. No. 25523 of 2019

and

W.M.P. Nos. 25052 & 25054 of 2019

Janani

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Petitioner

Vs.

1. The District Registrar
District Registrar Office
Dharmapuri.
2. The Sub Registrar
Sub Registrar Office
Harur, Dharmapuri District.
3. The Inspector of Police (L&O)
Harur Police Station
Harur, Dharmapuri District.
4. Menaka
5. Tamilmani
6. Srinivasan

...

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Sale deed Document No.144 of 2019 dated 11.01.2019 executed by Fourth Respondent in favour of Fifth and Sixth Respondents herein in the office of SRO Harur on the file of the First and Second Respondents herein and quash the same as illegal and incompetent and consequently direct the First and Second Respondents to remove the above mentioned entries from the encumbrance certificate.

For Petitioner : Mr. K. Nagarajan

For Respondents : Mr. T.M. Pappiah (For R1 & R2)
Special Government Pleader
Mr. J. Purushothaman (For R3)
Government Advocate

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. Rukmani -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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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 Petitions are closed. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

mayaya

To

1. The District Registrar
District Registrar Office
Dharmapuri.
2. The Sub Registrar
Sub Registrar Office
Harur, Dharmapuri District.
3. The Inspector of Police (L&O)
Harur Police Station
Harur, Dharmapuri District.

+1 cc to Government Pleader Sr.No. 76159,75595

W.P. No. 25523 of 2019

A.SK(06/09/2019)