

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

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

W.P. No. 9593 of 2018

R.M. Elango ... Petitioner

Vs.

1. The State rep by its Inspector of Police
Central Crime Branch
(Chits and Prohibition of Charging
Exorbitant Rate of Interest Wing)
Vepery, Chennai - 600 007.
2. The District Registrar
Thiruvallur.
3. The Sub Registrar
Ambattur.

4.V.S. Kumar ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Second Respondent to cancel the Power of Attorney executed by the Fourth Respondent in favour of one Mr. M.Suresh Babu vide document No. 12336/2015 and the consequential sale deed executed by the Fourth Respondent through his Power Agent in favour of Mr.M.John vide document No.1341/2016, both registered in the office of the Sub-Registrar, Ambattur by considering the representation of the Petitioner dated 04.04.2018 made to the Second Respondent.

For Petitioner : Mr. M. Baskaran

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

O R D E R

When it is pointed out by Mr. T.M. Pappiah, Learned Special Government Pleader, who takes notice for the Second and Third 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 him 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

may
To

1. The Inspector of Police
Central Crime Branch
(Chits and Prohibition of Charging
Exorbitant Rate of Interest Wing)
Vepery, Chennai - 600 007.
2. The District Registrar
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+1 cc to Government Pleader Sr.No. 70842

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A.SK(06/09/2019)