

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

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

W.P. No. 10503 of 2019

and

WMP. No. 11011 of 2019

G.Latha

... Petitioner

-Vs-

1.The Inspector General of Registration
Santhome High Road
Chennai 600 028.

2.The Deputy Inspector General of Registration
Coimbatore.

3.The District Registrar
Department of Registration
Tiruppur District
Tiruppur.

4.The Sub Registrar
Dharapuram Sub Registration Office
Dharapuram
Tiruppur District.

5.R.Rookaraj

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the Second Respondent dated 11.03.2019 made in Order No. 3902/E2/2018 and to quash the same consequently direct the Fourth Respondent to annul the sale deed vide document No.806/2018 dated 11.01.2018 in respect of Schedule 2 of the deed and to remove the encumbrance therefrom.

For Petitioner : Mr. C.Prabakaran
For Respondents : Mr. T.M.Pappiah,
Special Government Pleader
for R1 to R4

: Mr. M.Sivavarthanam for R5

: Mr. K.Myilsamy for R6

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 Respondent, 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). It is also clarified that the Civil Court shall determine the rights of the parties in such suit on merits in accordance with law uninfluenced and uninhibited, by any of the observations and findings of the First Respondent in the order impugned in this Writ Petition.

2. Accordingly, the Writ Petition stands dismissed. 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 Registering Authority to make changes in the records in consonance with the same. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

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1.The Inspector General of Registration
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Chennai 600 028.

2.The Deputy Inspector General of Registration
Coimbatore.

3.The District Registrar
Department of Registration
Tiruppur District
Tiruppur.

4.The Sub Registrar
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Tiruppur District.

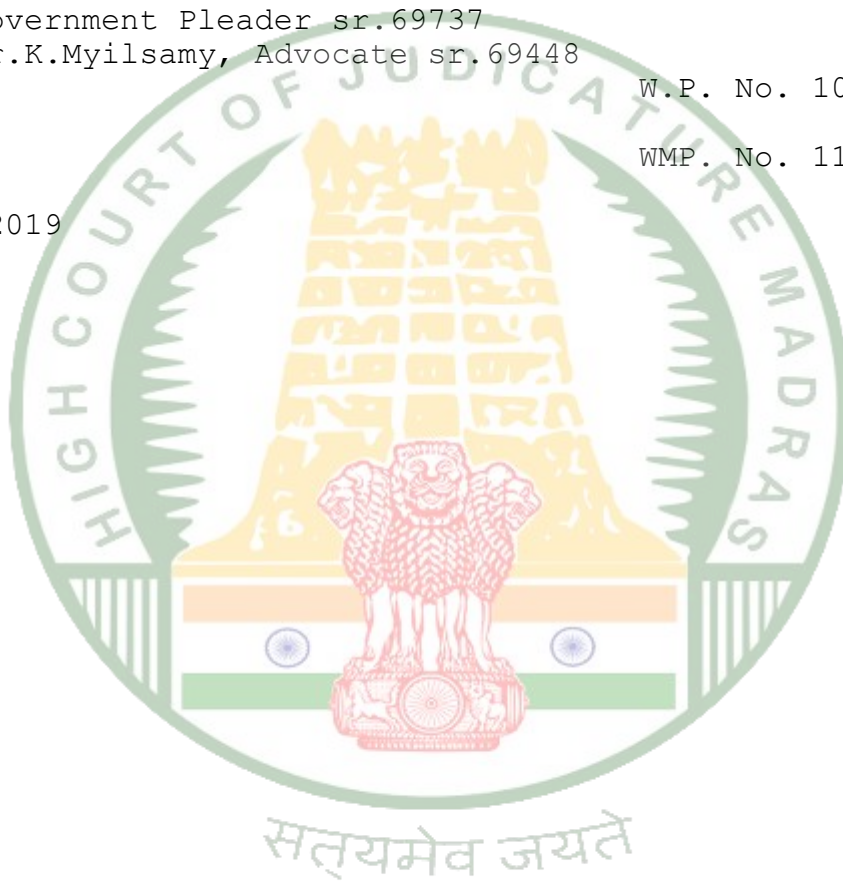
+1cc to Mr. C.Prabakaran, Advocate sr.69166

+1cc to Government Pleader sr.69737

+1cc to Mr.K.Myilsamy, Advocate sr.69448

W.P. No. 10503 of 2019
and
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nr 03/09/2019



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