

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2019

CORAM:

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

W.P. No. 13960 of 2019

D.Manoharan

... Petitioner

-vs-

1.The Joint Sub Registrar 3,
O/o. The Sub Registrar,
Salem West, Salem 9.

2.The Inspector General of Registration
Santhome, Chennai 600 004.

3.V.Bakkiam

4.R.Mallika

5.M.Sampoornam

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the cancellation of Settlement Deed dated 11.06.2009 executed by the Third Respondent and registered on 15.08.2009 as document No.1070 of 2009 on the file of the First Respondent and quash the same and consequently direct the First Respondent to delete the entries that reflects the aforesaid document from the Book I and Index register maintained by the First Respondent herein.

For Petitioner : Mr.S.Dhayalesswaran

For Respondents: Mr. T.M.Pappiah for R1 & R2
Special Government Pleader
: Mr. R.Ranganathan for R3
: R4- Batta not filed
: Mr.K.Krishnamoorthy for R5

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 Registering Authority cannot recall cancellation of registration of a document relating to a property claimed to be owned by the Petitioner 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Joint Sub Registrar 3,
O/o. The Sub Registrar, सत्यमेव जयते
Salem West, Salem 9.

2. The Inspector General of Registration
Santhome, Chennai 600 004.

+1cc to Mr.s.Dhayaleswaran , Advocate SR.No. 67527
+1 cc to Government Pleader Sr.No. 68491

W.P. No. 13960 of 2019

A.SK(14/08/2019)