

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

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

W.P. No. 11954 of 2019

and

W.M.P. No. 12187 of 2019

V. Sivaraj

... Petitioner

-Vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.
2. The District Registrar,
No.54, Nellukkara Street,
Kancheepuram District,
Kancheepuram - 631 501.
3. The Sub-Registrar,
Cheyyur Sub-Registrar Office,
No.3/156, Salt Road,
Cheyyur, Kancheepuram District.
4. The Sub-Registrar,
Chetpet Sub-Registrar Office,
Polur Road, Chetpet,
Thiruvannamalai District - 606 801.
5. S. Kabirdas

6. N. Naresh Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First to Third Respondents to conduct an enquiry under Sections 82, 83 of the Registration Act based on the petition dated 12.04.2019 consequentially forbearing the Third and Fourth Respondents till then registering any document/sale deed in so far as the Petitioner's property bearing Survey Nos. 13/4-32 cents, 14/1A-96 Cents, 14/5-2.03 acres, 14/6-63 cents and 14/1B-10 cents, including well and 3 HB motor pumpset totally 4.04 acres situated at Atchivilagam Village, Cheyyur Taluk, Kancheepuram District.

For Petitioner : Mr. P. Krishnan

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

Mr. V. Raghavachari for R5

Mr. Sachin Vijay for R6

O R D E R

When it is pointed out by Mr. T.M. Pappiah, Learned Special Government Pleader appearing for the First to Fourth 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. 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. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2. The District Registrar,
No.54, Nellukkara Street,
Kancheepuram District,
Kancheepuram - 631 501.
3. The Sub-Registrar,
Cheyyur Sub-Registrar Office,
No.3/156, Salt Road,
Cheyyur, Kancheepuram District.
4. The Sub-Registrar,
Chetpet Sub-Registrar Office,
Polur Road, Chetpet,
Thiruvannamalai District - 606 801.

+1 cc to M/s.P.Krishnan, Advocate, S.R.No.69124

+1 cc to M/s.V.Raghavachari, Advocate, S.R.No.68846

+1 cc to the Government Pleader, S.R.No.69738

W.P. No. 11954 of 2019
and
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CP(CO)
SSM(05/09/2019)