

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

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

WP. No. 17395 of 2019

and

WMP.No. 16885 of 2019

K.Panneer Selvam

..Petitioner

Vs.

1.The Inspector General of Registration

No.100, Santhome High Road
Santhome, Chennai.

2.The District Registrar

Collector Office (Namakkal)
Namakkal District.

3.Union Bank of India

Five Road Junction Branch,
Salem.

4.P.Manivannaraj

5.Rajarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent culminating in his impugned order vide No.38164/U1/2018 dated 13.12.2018, and quash the same as legally untenable as no criminal proceedings were instituted for the highlighted forgery and consequently direct the First Respondent to invoke provisions of Sections 82 and 83 of the Registration Act against the Fourth and Fifth Respondents for fabricating a 'No Objection Certificate' as if issued by the Third Respondent to register a Settlement Deed in Document No.2003 of 2014 dated 03.07.2014, registered at SRO Mallasamuthiram when the property was actually under hypothecation with the third Respondent Bank.

For Petitioner : Mr. D.Vijay
For Mr. M. Purushothaman

For Respondents : Mr. T.M.Pappiah for R1& R2
Special Government Pleader
: Mr. S.Sivashanmugham for R4 & R5
: R3- No appearance

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 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. 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 is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petitions is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Inspector General of Registration
No.100, Santhome High Road
Santhome, Chennai.

2.The District Registrar
Collector Office (Namakkal)
Namakkal District.

3.The Union Bank of India
Five Road Junction Branch,
Salem.

+1cc to Government Pleader sr.65947

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nr 21/08/2019



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