

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

CORAM

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

W.P. No. 1513 of 2018
and
W.M.P. No. 1922 of 2018

M. Ramasamy

...Petitioner

Vs.

1. The District Registrar, (Administration)
O/o. Registration, Tiruppur,
Tiruppur District.
2. The Sub Registrar,
O/o. Registration, Kangayam,
Tiruppur District.
3. M.Y.Habibur Rahman

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent to conduct proper enquiry and cancel the document No.3405/2008, dated 24.04.2008 within stipulated time as fixed by this Hon'ble Court by giving opportunity to all the parties.

For Petitioner :Mr. C. Prakasam

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

O R D E R

When it is pointed out by the Learned Special Government Pleader appearing for the First and Second 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 another Full Bench of this Court in M/s. Latif Estate Line India Ltd. -vs- Hadeeja Ammal [(2011) 2 CTC 1 (FB)], 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Registrar (Administration)
O/o. Registration, Tiruppur
Tiruppur District.
2. The Sub Registrar
O/o. Registration, Kangayam
Tiruppur District.

+lcc to the Government Pleader Sr.58044
+lcc to Mr.C.Prakasam, Advocate Sr.58208

सत्यमेव जयते

W.P.No.1513 of 2018

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srg 30/07/2019

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