

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2019

CORAM

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

W.P. No.16754 of 2019

S.Radhika

...Petitioner

Vs.

1. The Sub-Registrar,
The Office of Sub-Registrar,
Avadi, Chennai -54.
2. M.Geetha
3. U.Pushpa

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent herein to cancel the settlement deed bearing registered Document No.1/2737/2015 dated 06.03.2015 (on the file Sub-Registrar Avadi) within a stipulated period based on the representations dated 07.05.2019.

For Petitioner : Mr.N.Suriya Muthu

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader for R1
Mr.V.Chandrasekaran for R2 and R3

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 her 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. Rukumani -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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

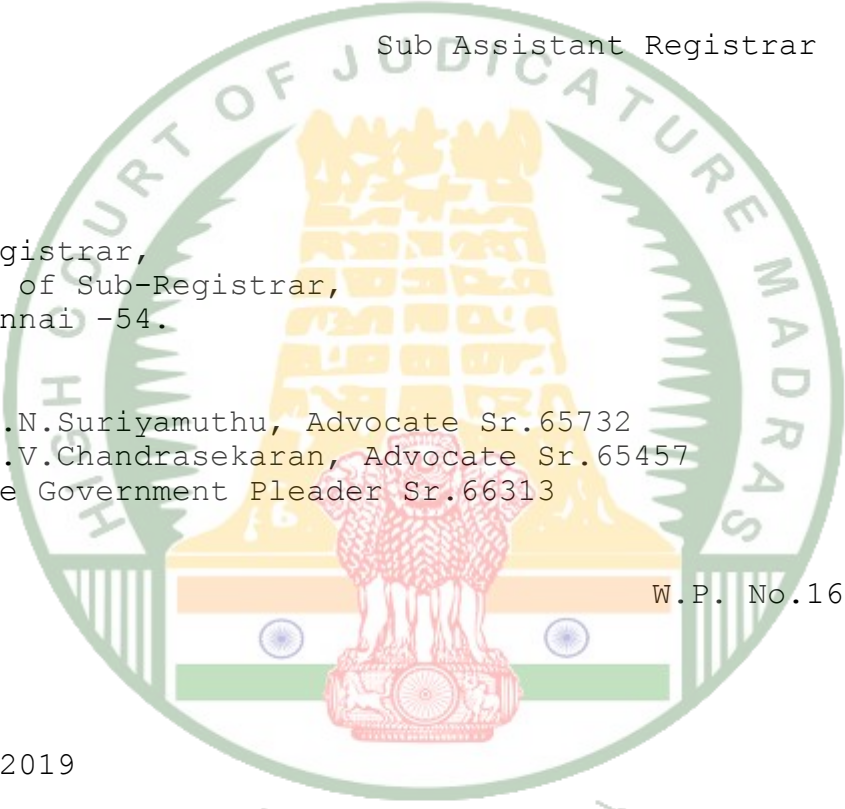
To

The Sub-Registrar,
The Office of Sub-Registrar,
Avadi, Chennai -54.

+1cc to Mr.N.Suriyamuthu, Advocate Sr.65732
+1cc to Mr.V.Chandrasekaran, Advocate Sr.65457
+1cc to the Government Pleader Sr.66313

W.P. No.16754 of 2019

vba[co]
srg 22/08/2019



सत्यमेव जयते

WEB COPY