

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

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

W.P. No. 16725 of 2019
and
W.M.P. No. 16336 of 2019

Marie Antoinette Francoise Bestrice
Alies Alphonse Paul
Door No.107, Lal Bahadur Sastri Street
Puducherry - 605 001. Petitioner

Vs.

1. The Inspector General of Registration
Pondicherry.
2. The District Registrar
Office of the District Registrar
Registration Department
Pondicherry.
3. The Sub Registrar
Office of the Sub Registrar
Registration Department
Pondicherry.
4. Siva Abirami
5. Siva Vijayalakshmi

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Second Respondent to perform its statutory duties by cancelling the agreement for sale within such time as this Hon'ble Court may prescribe.

For Petitioner : Mr. S. Willson

For Respondents : Mr. D. Ravichandran
Additional Government Pleader
(Puducherry) (for R1 to R3)

Mr. M.R. Thangavel (For R4 & R5)

O R D E R

When it is pointed out by Mr. D.Ravichandran, Learned Additional Government Pleader, who takes notice for the First to Third 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 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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(CO)

//True Copy//

may
To

Sub Assistant Registrar

1. The Inspector General of Registration
Pondicherry.
2. The District Registrar
Office of the District Registrar
Registration Department, Pondicherry.
3. The Sub Registrar
Office of the Sub Registrar
Registration Department, Pondicherry.

+1 cc to Mr.R.Surendar Kumar, Advocate, S.R.No.68039
+1 cc to Mr.C.Anbu, Advocate, S.R.No.66983
+1 cc to the Government Pleader, S.R.No.67229

W.P. No. 16725 of 2019

VBA (CO)
SSM(22/08/2019) .