

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.08.2019

CORAM

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

W.P. No. 18144 of 2019

M.Thirusangu

... Petitioner

-Vs-

1.The Sub-Registrar
Vaalikandapuram Post
Veppanthattai Taluk
Perambalur District.

2.The District Registrar
Ariyalur District
Ariyalur.

3.The Inspector of Police
Anti Land Grapping Special Wing
(The Superintendent of Police Office)
Perambalur District.
Perambalur.

4.Sollaiyammal

5.S.Mani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First and Second Respondents to take necessary action against the Fourth Respondent herein as per the Section 83 of Registration Act 1908 consequently direct the Third Respondent to take necessary action on the basis of the complaint dated 19.04.2013.

For Petitioner : Mr. P.Subbaraj

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

: Mr. M. Karthikeyan for R3
Additional Government Pleader

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 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 the Division Bench of this Court in P. Rukamani -vs- Amudhavalli (Judgment dated 17.07.2019 in W.A. No. 229 of 2018), the Learned Counsel for the Petitioner seeks permission of the this Court to withdraw this Writ Petition with liberty to resort to the same and he also made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is needless to add here that depending upon the outcome of the decision of the Civil Court in such suit that may be instituted by the Petitioner, it would be open to the Petitioner to approach the authorities under the Registration Act, 1908, for appropriate reliefs as may be permissible in law. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Sub-Registrar,
Vaalikandapuram Post, Veppanthattai Taluk
Perambalur District.
- 2.The District Registrar
Ariyalur District, Ariyalur.
- 3.The Inspector of Police
Anti Land Grapping Special Wing
(The Superintendent of Police Office)
Perambalur District, Perambalur.

+1 cc to M/s.R.Senthil Selvan,Advocate Sr.No.69658

+1 cc to The Government Pleader Sr.No.69378

AKM/16.09.19/2P-6C /

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