

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

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

W.P. No.21208 of 2019

1. A.Aishwarya
2. A.Suganya

...Petitioners

Vs.

1.The Sub Registrar,
Sub Registrar Office at Kundrathur,
Kundrathur.

2.Baby Ammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records from the office of the First Respondent pertaining to a registered settlement deed of cancellation dated 15.07.2014 with Document No.11396 of 2014 executed by the Second Respondent against the Petitioners, quash the same as null and void against law.

For Petitioner : Mr.C.D.Sugumar

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

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 Petitioners 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 Petitioners and their 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 Petitioners seek 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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(insp cell)

//True Copy//

Sub Assistant Registrar

rkp

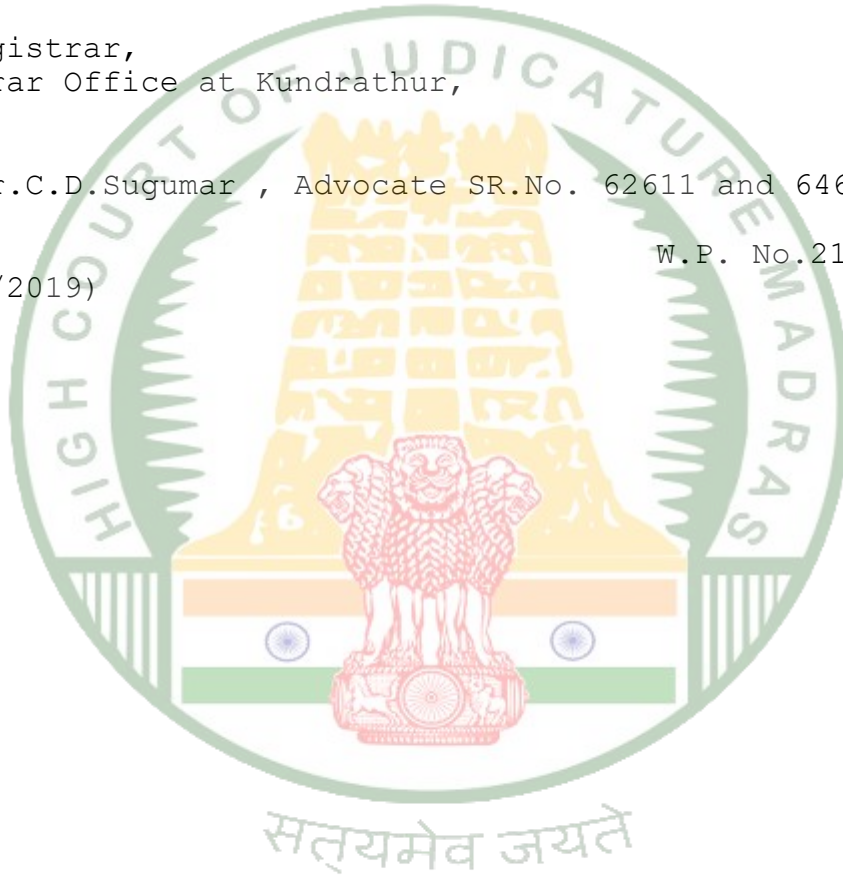
To

The Sub Registrar,
Sub Registrar Office at Kundrathur,
Kundrathur.

+2ccs to Mr.C.D.Sugumar , Advocate SR.No. 62611 and 64627

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A.SK(19/08/2019)



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