

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

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

W.P. No. 21156 of 2019
and
W.M.P. No. 20355 of 2019

S. Govindhan ... Petitioner

Vs.

1. The District Collector
Villupuram,
Villupuram District.
2. The Revenue Divisional Officer
Thindivanam,
Villupuram District.
3. The Tahsildar
Thindivanam,
Villupuram District.
4. The Sub Registrar,
Sub Registrar Office,
Avaraipakkam, Thindivanam,
Villupuram District.

5. Narayani
6. Amirtham

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the entire records in Na.Ka.216/2019, dated 08.04.2019 passed by the Fourth Respondent and quash the same.

For Petitioner : Mr. M. Senthamizh Selvan

For Respondents : Mr. R. Venkatesh (For R1 to R3)
Government Advocate
: Mr. M. Thamizharasan (For R4)
Government Advocate

O R D E R

When it is pointed out by Mr.M.Thamizharasan, Learned Government Advocate, who takes notice for the Fourth 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 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. It is also clarified that the Civil Court shall determine the rights of the parties in such suit on merits in accordance with law uninfluenced and uninhibited, by any of the observations and findings of the Fourth Respondent in the order impugned in this Writ Petition.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

To

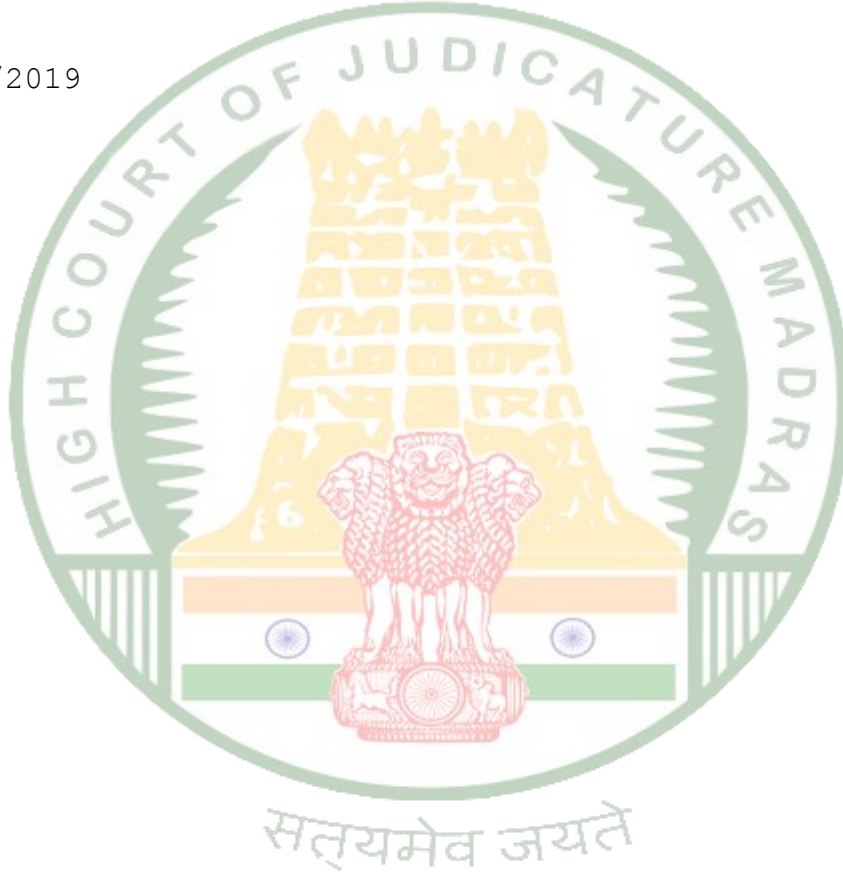
1. The District Collector, Villupuram,
Villupuram District.
2. The Revenue Divisional Officer
Thindivanam, Villupuram District.
3. The Tahsildar, Thindivanam,
Villupuram District.

4. The Sub Registrar, Sub Registrar Office,
Avaraipakkam, Thindivanam, Villupuram District.

+lcc to the Government Pleader Sr.63374

W.P.No.21156 of 2019

vba[co]
srg 22/08/2019



WEB COPY