

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.07.2019
CORAM
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU
W.P. No. 22198 of 2019

N. Sugumar ... Petitioner
Vs.

1. The Deputy Inspector General of Registration,
Coimbatore District,
Coimbatore.

2. The District Registrar,
Tiruppur,
Coimbatore District.

3. R. Ilango Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order Na.Ka.No. 3896/e2/2018 dated 12.03.2019 from the First Respondent and quash the same and direct the First Respondent to cancel the fraudulent registration of the sale deed dated 03.11.1993 having document No. 985/1993 registered in the Kolamangalam Sub-Registrar office.

For Petitioner : Mr. D. Ashok Kumar

For Respondents : Mr. T.M. Pappiah (For R1 & R2)
Special 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. 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. 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 First Respondent in the order impugned in this Writ Petition.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Inspector General of Registration,
Coimbatore District,
Coimbatore.
2. The District Registrar,
Tiruppur,
Coimbatore District.

+lcc to Government Pleader sr.65517

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