

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.07.2019
CORAM
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU
W.P. No. 21942 of 2019
and
W.M.P. No. 21161 of 2019

Miss.Joyce D. Netto ... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The Inspector General of Registration,
Kamarajar Salai,
Santhome, Chennai - 600 004
3. The Joint Sub Registrar II,
Saidapet,
Chennai - 600 018.
4. W. Sathiyathan
5. C. Chinnadurai
6. S. Ganesh
7. M. Dhanam

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Second and Third Respondents to notify the impugned documents i.e., (i) Power of Attorney deed dated 05.04.2011 in Doc No.243/2011 in Book IV and (ii) Regd. Sale deed dated 15.04.2011 in Doc No. 913/2011, (iii) Regd. Sale deed dated 04.05.2011 in Doc No.1058/2011 and (iv) Regd. Sale deed dated 04.05.2011 in Doc No. 1059/2011 on the file of Third Respondent as fraudulent documents in encumbrance index register to the effect invalidating the above impugned deeds as ineffective and invalid.

For Petitioner : Mr. J.R.K. Bhavanatham

For Respondents : Mr. M. Karthikeyan (For R1)
Additional Government Pleader
: Mr. M. Thamizharasan (For R2 & R3)
Government Advocate

O R D E R

Mr. M. Karthikeyan, Learned Additional Government Pleader takes notice for the First Respondent and Mr. M. Thamizharasan, Learned Government Advocate takes notice for the Second and Third Respondents.

2. When it is pointed out by the Learned Government Advocate appearing for the First and Second Respondents that the Petitioner cannot call upon the Registering Authority to cancel registration of a document executed between two parties relating to a property claimed to be owned by him and his remedy in that regard is only to approach 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 aforesaid remedy and he has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petitions are also closed. No Costs.

Sd/-
Assistant Registrar (insp cell)

//True Copy//

Sub Assistant Registrar

may
To

1. The Principal Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The Inspector General of Registration,
Kamarajar Salai,
Santhome, Chennai - 600 004

3. The Joint Sub Registrar II,
Saidapet,
Chennai - 600 018.

+1 cc to Government Pleader Sr.No. 64710

+1cc to Mr.J.R.K. Bhavanatham , Advocate SR.No. 63573

W.P.No.21942 of 2019

A.SK(14/08/2019)



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