

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM

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

W.P.No.19708 of 2019

P.Balamurugan

... Petitioner

Vs.

1. The Sub - Registrar
The Sub - Registrar Office
Dharapuram, Erode District.
2. M.M.Rajmohan
3. R.Sumetha
Rep.by her Mother and Natural Guardian
Mrs.Tamilarasi

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent to consider the representation of the petitioner dated 24.04.2019 made to the Sub - Registrar, Sub-Registrar Office, Dharapuram, Erode District-the First Respondent herein with the request to cancel the registration of the Joint compromise Memo registered in Document in No.1814 of 2019 dated 06.03.2019 on the file of the First Respondent herein, consequently not to register any of the Sale Deed Settlement Deed, Release Deed or any other documents in respect of the Petitioner's property namely lands situated in Survey No.349 (new S.F.No. 49, 443/2, 443/1, in Selampalayam Extension Village, Tiruppur Registration District Dharapuram Sub Registration District, Dharapuram Taluk, Erode District, in a total extent of 12.20 Acres by any of the Thirty party including the Second and Third Respondents and pass appropriate suitable orders on merits by giving reasonable opportunity of personal hearing to the petitioner within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Srinivasan

For Respondents : Mr.T.M.Pappiah (For R1)
Special Government Pleader

ORDER

When it is pointed out by the Learned Special Government Pleader appearing for the First 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 another Full Bench of this Court in M/s. Latif Estate Line India Ltd. -vs- Hadeeja Ammal [(2011) 2 CTC 1 (FB)], 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.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

may a

To

The Sub - Registrar,
The Sub - Registrar Office,
Dharapuram, Erode District.

+lcc to Mr.S.Srinivasan, Advocate, S.R.No.57592

W.P.No.19708 of 2019

VGI (CO)
CS/26/07/2019