

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

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

WP. No. 21720 of 2019

Shanthi

..Petitioner

Vs.

1.The Commissioner of Municipality  
3<sup>rd</sup> Grade Municipal Office  
Anna Nagar, Salem Main Road  
Emaper, Kallakurichi  
Villupuram District.

2.A.K.Natarajan  
3.G.K.Jeyakumar  
4.Senthilkumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent not to grant building plan approval to the Respondents 2 to 4 and any other parties in respect of the Petitioner property in S.F.No.288/8 & 286/8A situated at Kaspakallakurichi Village, Villupuram District and further direction to cancel building plan approval granted if any to the said property, by considering the Petitioner representation dated 17.05.2019.

For Petitioner : Mr. R.Marudhachalamurthy

For Respondent : Mr. M.Karthikeyan for R1  
Additional Government Pleader

O R D E R

When it is pointed out by Mr. M. Karthikeyan, Learned Additional Government Pleader, who takes notice 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 the Division Bench of this Court in P. Rukamani -vs- Amudhavalli (Judgment dated 17.07.2019 in W.A. No. 229 of 2018), the Learned Counsel for the Petitioner seeks permission of the this Court to withdraw this Writ Petition and he also made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition stands dismissed as withdrawn. It is needless to add here that depending upon the outcome of the decision of the Civil Court in such suit that may be instituted by the Petitioner, it would be open to the Petitioner to approach the concerned authorities authorized to issue planning permit for necessary relief in consonance with the same and take such other further action as may be permissible in law. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Commissioner of Municipality  
3<sup>rd</sup> Grade Municipal Office  
Anna Nagar, Salem Main Road  
Emaper, Kallakurichi  
Villupuram District.

+1cc to Mr.R.Marudhachalamurthy, Advocate Sr.63713  
+1cc to the Government Pleader Sr.64226

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