

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

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

W.P. No. 21268 of 2019
and
W.M.P. No. 20471 of 2019

Shanthi

... Petitioner

-vs-

1. The Inspector General of Registrations,
Registrations Head Office,
No. 100, Santhome High Road,
Chennai - 600 029.

2. The District Registrar,
District Office,
NH 45A, Puducherry Road,
Villupuram,
Villupuram District.

3. The Joint Sub Registrar No.1,
District Registrar Office,
Kallakurichi Taluk,
Villupuram District.

7. A.K. Natarajan

8. G.K. Jeyakumar

9. Senthilkumar

सत्यमेव जयते

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, issue direction directing the First to Third Respondents to take appropriate action as against the Fourth to Sixth Respondents invoking Section 83 of the Registration Act, 1908, and also following the First Respondent circulars in Letter No. 41530/U1/2017 dated 20.10.2017 and 08.11.2017 respectively and cancel the sale deeds executed by them fraudulently in respect of property in S.F. No. 288/8 & 286/8A situated at Kaspakallakurichi Village, Villupuram District by considering petitioner representation dated 17.05.2019.

For Petitioner : Mr. R. Marudhachalamurthy

For Respondents: Mr. M. Thamizharasan,
Government Advocate
(for R1 to R3)

O R D E R

When it is pointed out by Mr. M. Thamizharasan, Learned Government Advocate, who takes notice for the First to Third 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. 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 Accordingly, the Writ Petition stands dismissed as withdrawn.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 Registering Authority to make changes in its records 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/-

सत्यमेव जयते
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registrations,
Registrations Head Office,
No. 100, Santhome High Road,
Chennai - 600 029.

2. The District Registrar,
District Office,
NH 45A, Puducherry Road,
Villupuram,
Villupuram District.

3. The Joint Sub Registrar No.1,
District Registrar Office,
Kallakurichi Taluk,
Villupuram District.

+1cc to Mr.R.Marudhachalamurthy, Advocate Sr.63425

+1cc to the Government Pleader Sr.63358

W.P. No. 21268 of 2019

rsi[col]
srg 23/09/2019



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