

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

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

W.P. No. 21163 of 2019

S.B. Premkumar

Ex - Servicemen of IAF.

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Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.

2. The District Registrar,
(Administration)
South Madras,
Saidapet, Chennai - 600 015.

3. K.S. Rajagopal

4. B. Tamizhmani

5. M.R. Vasagar

6. R. Jayaraman,

7. S. Elred Kumar

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Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the record of the First Respondent herein under Letter No. 52718/U1/2018 dated 16.05.2019 and quash the same and consequently direct the First Respondent herein to invoke the provision of Section 68(2) and also 75(4) of Registration Act in order to cancel the fraudulent registrations under (1) Document No.834/2004 registered before the Joint Sub Registrar - II, North Chennai, (2) Document No.3753/2005 dated 30.09.2005 registered before the Sub Registrar, Pammal and (3) Document No.2333/2007 dated 02.05.2007 registered before the Sub Registrar, Pammal.

For Petitioner : Mr. G. Thangavel

For Respondents : Mr. T.M. Pappaiah
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. 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 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

ebsi/maya

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
2. The District Registrar,
(Administration)
South Madras,
Saidapet, Chennai - 600 015.

Copy TO

1. The Joint Sub Registrar II,
North Chennai.

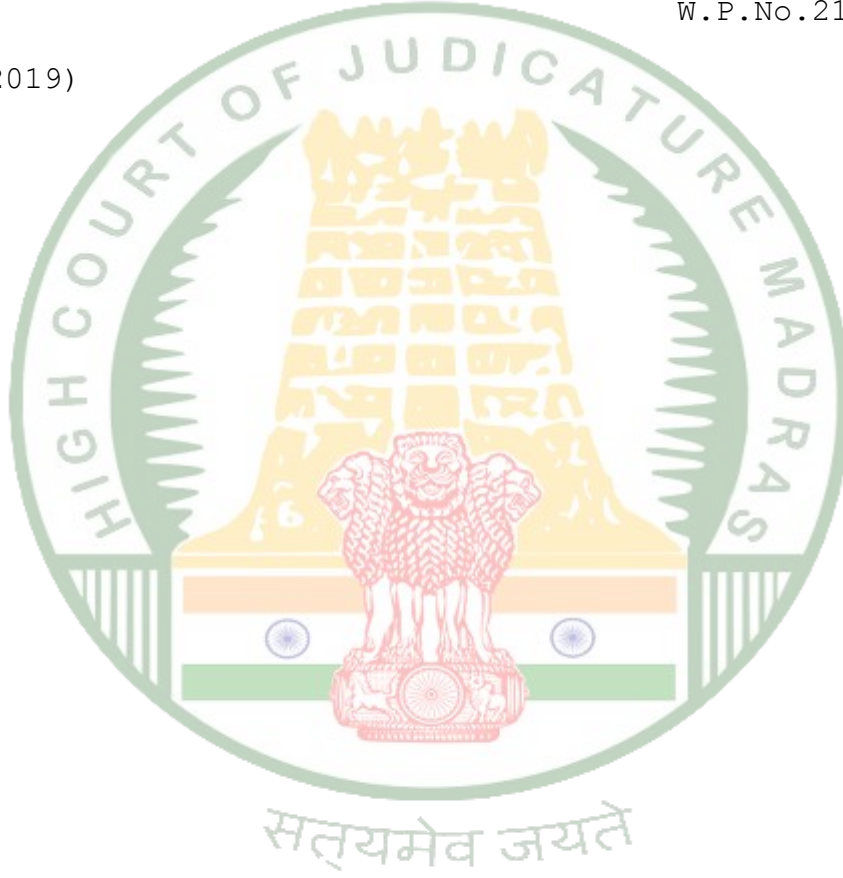
2. The Sub Registrar,
Pammal.

+1cc to Mr.G.Thangavel, Advocate, S.R.No. 61737

+1cc to the Special Government Pleader, S.R.No. 61737

W.P.No.21163 of 2019

NR(CO)
GN(13/08/2019)



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