

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

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

W.P. No. 22872 of 2019
and
W.M.P. No. 22495 of 2019

K.P.M. Muruga Raja

...

Petitioner

Vs.

1. The District Registrar,
Nagapattinam District,
Nagapattinam.

2. The Sub-Registrar,
Mannargudi,
Thiruvarur District,
Thiruvarur.

3. V. Arumugam
4. M. Vedavalli

...

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First and Second Respondents to cancel the fraudulent sale deed dated 04.03.2014 bearing No.842/19 registered at Second Respondent office in terms of Petitioner's representation dated 28.06.2019.

For Petitioner : Mr. M.J. Sundar

For Respondents : Mr. T.M. Pappiah

Special Government Pleader
For R1 & R2

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 two parties relating to a property in which he claims any right, 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.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

may

To

1. The District Registrar,
Nagapattinam District,
Nagapattinam.
2. The Sub-Registrar,
Mannargudi,
Thiruvarur District,
Thiruvarur.

+1cc to Mr.Sundar, Advocate, S.R.No. 66544
+1cc to the Government Pleader, S.R.No. 67596

W.P.No. 22872 of 2019

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

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