

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2019

CORAM:

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

W.P. No. 23072 of 2019

S.Thiruganam

... Petitioner

-vs-

1.The Inspector General of Registration
100, Santhome High Road
Raja Annamalaipuram
Chennai 600 028.

2.The Sub Registrar
Joint-1 Sub Registrar Office
Villupuram 605 602.

3.S.Kamatchi

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorari, to call for the records of the Second Respondent in cancellation of the Settlement Deed vide Document No.1863 of 2019 dated 19.06.2019 and the Second Respondent issued a impugned order No.15 of 2019 dated 28.06.2019 and to quash the same.

For Petitioner: Mr. V.Ashokkumar

For Respondents: Mr. T.M.Pappiah for R1 & R2
Special Government Pleader

सत्यमेव जयते
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 Registering Authority cannot recall cancellation of registration of a document relating to a property claimed to be owned by the Petitioner 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna
To

1.The Inspector General of Registration
100, Santhome High Road
Raja Annamalaipuram
Chennai 600 028.

2.The Sub Registrar
Joint-1 Sub Registrar Office
Villupuram 605 602.

+1cc to Mr.Ashok kumar , Advocate SR.No. 68172
+1 cc to Government Pleader Sr.No. 68490

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A.SK(19/08/2019)

सत्यमेव जयते

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