

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.08.2019
CORAM
THE HON'BLE MR.JUSTICE P.D. AUDIKESAVALU
W.P. No. 22919 of 2019

John Kennedy @ Murugan

... Petitioner

-vs-

1. The Tahsildar,
Purasawakkam - Perambur Taluk,
Chennai - 600 003.

2. The Sub-Registrar,
Kunoor - Sub Registrar Office.

3. M. Venkatesan

4. Bagavathy

5. Cholaraja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First and Second Respondents to dispose off the representation dated 13.04.2019 submitted by the Petitioner for cancellation of the settlement deed dated 13.03.2004, registered as document 1711 of 2004.

For Petitioner : L. Dhamodaran

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader (for R1)

Mr. T.M. Pappiah,
Special Government Pleader (for R2)

ORDER

Mr. M. Karthikeyan, Learned Additional Government Pleader takes notice for the First Respondent and Mr. T. M. Pappiah, Learned Special Government Pleader takes notice for the Second Respondent.

2. When it is pointed out by the Learned Special Government Pleader appearing for the Second Respondent that the Petitioner cannot call upon the Registering Authority to cancel registration of a document executed between two parties relating to a property claimed to be owned by him 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.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vjt
To

1. The Tahsildar,
Purasawakkam - Perambur Taluk,
Chennai - 600 003.
2. The Sub-Registrar,
Kunoor - Sub Registrar Office.

+1cc to Mr.L.Dhamodaran , Advocate SR.No. 67037
+1 cc to Government Pleader Sr.No. 67112

nr (CO)
A.SK(19/08/2019)

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