

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM

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

W.P. No. 22761 of 2019

and

W.M.P.No. 22306 of 2019

Mr. V. Samidurai

...Petitioner

Vs.

1. The Inspector General of Registration
O/o. The Inspector General of Registration,
No. 100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
O/o. District Registrar,
Nagapattinam.

3. The Sub Registrar,
O/o. Sub Register Thakattur,
Nagapattinam District.

4. Mr. Jaganathan

...Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records in the impugned order dated 08.09.2014 in Appeal No.01/2012 by the Second Respondent District Registrar and quash the same.

For Petitioner : Mr. K. Seetha Ram

For Respondents: Mr. T.M. Pappiah (For R1 to R3)
Special Government Pleader

ORDER

When it is pointed out by Mr. T.M. Pappiah, Learned Special Government Pleader, who takes notice for the First and 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), 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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.

may

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration
O/o. The Inspector General of Registration,
No. 100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
O/o. District Registrar,
Nagapattinam.
3. The Sub Registrar,
O/o. Sub Register Thakattur,
Nagapattinam District.

+1cc to the Govt.Pleader, Vide Sr.No.67121/19

W.P.No. 22761 of 2019

Kak(19/08/2019)

Kak(04/09/2019)