

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2019

CORAM

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

W.P. No. 22926 of 2019

Shahitha Beevi

... Petitioner

Vs.

1. The Registration Department,
No.100, Santhome High Road,
Mylapore, Chennai - 600 004.
2. The District Registrar (Admin)
District Registrar Office,
South Chennai,
Chennai - 600 015.
3. The Sub-Registrar,
Sub-Registrar Office,
No.2/92, S.H.49, Kazura Garden,
Neelankarai, Chennai - 600 041.
4. Mr. Abdul Rahman
5. Mr. Manoj Johninfant Peppin
6. Mr. Gopal

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 29.11.2018 within the time frame.

For Petitioner : Mr. A. Murali

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

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

may

To

1. The Registration Department,
No.100, Santhome High Road,
Mylapore, Chennai - 600 004.
2. The District Registrar (Admin)
District Registrar Office,
South Chennai,
Chennai - 600 015.
3. The Sub-Registrar,
Sub-Registrar Office,
No.2/92, S.H.49, Kazura Garden,
Neelankarai, Chennai - 600 041.

+1cc to Mr.Annamma.K, Advocate, S.R.No. 67145
+1cc to the Government Pleader, S.R.No. 67597

W.P.No. 22926 of 2019

GN(16/08/2019)