

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

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

W.P. No. 24174 of 2019

and

W.M.P. No. 23953 of 2019

S. Somasundaram

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Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Chennai North Registration District,
Registration Department,
Kamarajar Salai,
Chennai - 600 001.
3. The Sub Registrar,
Office of the Sub-Registrar,
Madhavaram Sub-Registration District,
Roja Street, Madhavaram High road,
Madhavaram, Chennai - 600 060.
4. V. Bala Subramanian
5. V. Sundaramoorthy
6. K. Ramu
7. B. Naganathan

...

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First, Second and Third Respondents to consider the Petitioner's representation dated 25.07.2019 and consequently direct the Second Respondent to conduct an enquiry on the Petitioner's representation and to take appropriate action against Fourth to Seventh Respondents in accordance with law.

For Petitioner : Mr. S. Senthilnathan

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 to 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. Rukumani -vs- Amudhavalli (Judgment dated 17.07.2019 in W.A. No. 229 of 2018), the Learned Counsel for the Petitioner seeks permission of the this Court to withdraw this Writ Petition and he also made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition stands dismissed as withdrawn. Consequently, connected Miscellaneous Petition is closed. It is needless to add here that depending upon the outcome of the decision of the Civil Court in such suit that may be instituted by the Petitioner, it would be open to the Petitioner to approach the registering authority to make changes in its records in consonance with the same and take such other further action as may be permissible in law. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Chennai North Registration District,
Registration Department,
Kamarajar Salai,
Chennai - 600 001.

3. The Sub Registrar,
Office of the Sub-Registrar,
Madhavaram Sub-Registration District,
Roja Street, Madhavaram High road,
Madhavaram, Chennai - 600 060.

+1cc to Mr. S. Senthilnathan, Advocate sr.71070
+1cc to Government Pleader sr.72689

W.P. No. 24174 of 2019

nr 27/08/2019



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