

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2019

CORAM:

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

W.P. No.24731 of 2019
and
W.M.P. No.24386 of 2019

N.Vettrivel

... Petitioner

Vs.

1. Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai -4.

2. The District Registrar,
Ariyalur District,
Ariyalur.

3. The Sub Registrar,
Taluk Office campus,
Athur Road,
Perambalur - 621 212.

4. M/s. Imperial Granites Pvt. Ltd.,
Represented by Power of Attorney,
Mr.S.C. Sekar.

5. S.R. Asaithambi

... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus directing the Respondents 1 to 3 herein to consider and pass order on the representation of the Petitioner dated 07.11.2018, in seeking to take action for fraudulent registration of the sale deed dated 08.11.2011, registered as Doc. No.8292 of 2011, on the file of the Sub-Registrar, Perambalur executed in favour of the Fourth Respondent and cancel the same.

For Petitioner : Mr.G.Arul Murugan

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

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. 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.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-
Assistant Registrar(CO)

//True Copy//

rkp
To

Sub Assistant Registrar

1. Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai -4.

2. The District Registrar,
Ariyalur District, Ariyalur.

3. The Sub Registrar,
Taluk Office campus,
Athur Road, Perambalur - 621 212.

+1 cc to Mr.G.Arul Murugan, Advocate, S.R.No.72079
+1 cc to the Government Pleader, S.R.No.73444

W.P. No. 24731 of 2019 and
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SR(CO)
SSM(05/09/2019)