

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2019

CORAM:

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

W.P. No.24737 of 2019
and
W.M.P. No.24388 of 2019

N.Vettrivel

... Petitioner in both W.Ps.

Vs.

1. Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai -4.
2. The District Registrar,
Ariyalur District,
Ariyalur.
3. The District Registrar,
Namakkal District,
Nallipalayam,
Namakkal.
4. The Sub-Registrar,
Paramathi Sub Registration Office,
26/55, Muslim Street,
Paramathi - 637 207.
5. M/s.Kaveri Stones Impex Pvt. Ltd.
Represented by its Director,
Mrs.A.Seethalakshmi

6. 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 4 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 27.10.2011, registered as Doc. No.4283 of 2011, on the file of the Sub-Registrar, Paramathi, executed in favour of the Fifth Respondent and cancel the same.

For Petitioner : Mr.G.Arul Murugan
For Respondents : Mr.T.M.Pappiah
Special Government Pleader
for R1 to R4

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 Fourth 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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//

सत्यमेव जयते Sub Assistant Registrar

rkp

To

1. Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai -4.
2. The District Registrar,
Ariyalur District,
Ariyalur.

3. The District Registrar,
Namakkal District,
Nallipalayam,
Namakkal.

4. The Sub-Registrar,
Paramathi Sub Registration Office,
26/55, Muslim Street,
Paramathi - 637 207.

+1 cc to Mr.G.Arul Murugan, Advocate, S.R.No.72080

+1 cc to the Government Pleader, S.R.No.73444

W.P. No. 24737 of 2019
and
W.M.P. No.24388 of 2019

SR(CO)
SSM(05/09/2019)



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