



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

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

W.P. No. 34198 of 2019
and
W.M.P. No. 34828 of 2019

P. Neelaveni

... Petitioner

Vs.

1. The Tahsildar
Gangavalli Taluk
Salem District
2. The District Registrar
Salem District
Salem.
3. The Sub Registrar
Sub Registrar Office
Gangavalli
Salem District.
4. Soundar

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, to direct the Second and Third Respondents to cancel the release deed vide document No. 24/1989 dated 19.09.1989 on the file of the Third Respondent as the same was executed in fraudulent manner, which didn't contain the survey No., and extent of the property and location of the property.

For Petitioner : Mr. M. Rajendiran

For Respondents: Mr. R. Venkatesh
Government Advocate (For R1)
Mr. T.M. Pappiah
Special Government Pleader (For R2&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 Second 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.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

maya

To

1. The Tahsildar
Gangavalli Taluk
Salem District
2. The District Registrar
Salem District
Salem.
3. The Sub Registrar
Sub Registrar Office
Gangavalli
Salem District.

+2ccs to Government Pleader SR.No.103099, 103290

W.P. No. 34198 of 2019

BR(CO)
GMY(02/01/2020)