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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM

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

W.P. No. 34979 of 2019

R.Arasu

...

Petitioner

Vs.

1. The District Registrar,
District Registration Office,
Kizhnilai Siraichalai Street,
Manjakuppam,
Cuddalore District-607 001.
2. The Sub-Registrar,
Sub-Registration Office,
Dindigul Main Road,
Vada Madurai 624 802.
Dindigul District.
3. The Sub-Registrar,
SRO Office,
Kadai Veethi Main Road,
Tittagudi,
Cuddalore District-606 106.
- 4.Mrs.K.Ananthi
- 5.Miss. R.Abirami
- 6.L.Arokiyavanitha Senkolemari
7. R.Punithavalli

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the 2nd and 3rd respondents to cancel the supplementary deeds vide Doc.No.2 of 2016 dated 06.01.2016 and Doc.No.18 of 2018 dated 15.06.2018 executed by Mr.E.P.Ramasamy (late) son of E.Palanimuthu and to remove the name respondents 4 to 7 as trust members from the trust because they are not family members of the trust.

For Petitioner : Mr.V.Maharajan

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

jrs/maya

To

1. The District Registrar,
District Registration Office,
Kizhnilai Siraichalai Street,
Manjakuppam,
Cuddalore District-607 001.
2. The Sub-Registrar,
Sub-Registration Office,
Dindigul Main Road,
Vada Madurai 624 802.
Dindigul District.



3. The Sub-Registrar,
SRO Office,
Kadai Veethi Main Road,
Tittagudi, Cuddalore District-606 106.

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+1cc to Mr.V.Maharajan, Advocate, S.R.No. 105112
+1cc to the Government Pleader, S.R.No. 106217

W.P. No. 34979 of 2019

BP (CO)
GN(03/01/2020)