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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

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

W.P. No. 33898 of 2019
and
W.M.P. No. 34442 of 2019

J. Nirmaladevi

... Petitioner

Vs.

1. The Sub Registrar
The Office of the Sub-Registrar
No.1, Salem West
Third Floor
District Collector Office
Salem.

2. P. Jayakumar

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the First Respondent to consider the representation of the Petitioner dated 03.08.2019.

For Petitioner : Mr. N. Sudharsan

For Respondents: Mr. M. Thamizharasan
Government Advocate (For R1)

O R D E R

When it is pointed out by Mr.M.Tamizharasan, Learned Government Advocate, who takes notice for the First Respondent 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.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

may

To

1. The Sub Registrar
The Office of the Sub-Registrar
No.1, Salem West
Third Floor
District Collector Office
Salem.

+1cc to Mr.N.Sudharsan, Advocate, S.R.No. 102376
+1cc to the Government Pleader, S.R.No. 102240

W.P. No. 33898 of 2019

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