



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

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

W.P. No. 33489 of 2019
and
W.M.P. No. 33959 of 2019

P. Thiagarajan ... Petitioner
Vs.

1. Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, Chennai-28.
2. The District Registrar,
No.10, Kancheepuram Main Road,
Chengalpattu - 603 002.
3. The Sub-Registrar,
Sub-Registrar Office,
Thiruporur, Chengalpattu.
4. G.Karunanidhi
5. G.Murugan
6. Amulu @ Amala
7. S.Venkatesan
8. S.Laila

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the first to third respondents enquire and cancel the partition-Release deed dated 20.01.2014, registered as document No.1032/2014 on the file of third respondent, executed in favour of the fourth and fifth respondents by sixth and eighth respondents as the same was registered without verifying the ownership as per the notifications issued by the first respondent.

For Petitioner :Mr. S.Gunasekaran

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kv/maya

To

1. Inspector General of Registration,
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Mandavelipakkam, Chennai-28.
2. The District Registrar,
No.10, Kancheepuram Main Road,
Chengalpattu - 603 002.
3. The Sub-Registrar,
Sub-Registrar Office,
Thiruporur, Chengalpattu.

+1cc to the Government Pleader, S.R.No. 104899

W.P. No. 33489 of 2019

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