



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM

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

W.P. No. 34414 of 2019

K. Gandhi

... Petitioner

Vs.

1. Inspector General of Registrar
No. 100, Santhom High Road
Mullima Nagar, Mandavelipakkam
Chennai - 600 028.

2. The District Registrar
Office of District Registrar
Tiruvannamalai.

3. The Sub Registrar
Chengam Sub Registrar Office
Tiruvannamalai District.

4. Arasi Ammal

5. Senthilkumar

6. Kalaivani

7. Jothi

8. Sampath

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Respondents 1 & 2 to dispose the petitioner's representation dated 11.04.2019 pertaining to cancel the fraudulent sale agreement executed by the Palanivel (Deceased) and Senthilkumar and in favour of Sampath registered in Document No. 6000 of 2014 dated 20.11.2014 on the file of the Third Respondent.

For Petitioner : Mr. Mariappan

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

maya

To

1. Inspector General of Registrar
No. 100, Santhom High Road
Mullima Nagar, Mandavelipakkam
Chennai - 600 028.
2. The District Registrar
Office of District Registrar
Tiruvannamalai.
3. The Sub Registrar
Chengam Sub Registrar Office
Tiruvannamalai District.

+1cc to Mr.N.Chinnaraj, Advocate, S.R.No. 104114
+1cc to the Government Pleader, S.R.No.104012

W.P. No. 34414 of 2019

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