



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

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

W.P. No. 34021 of 2019

and

W.M.P. Nos. 34617 & 34618 of 2019

Kandayee

... Petitioner

Vs.

1. The Joint Sub Registrar No.3

Salem West

Registration Department

Sivadapuram Village & Post

Salem - 636 307.

2. Rathinavelu

3. C. Govindan

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorari, calling for the entire records relating to the order Na.Ka. No. 823/2019 dated 29.10.2019 on the file of the First Respondent herein and quash the same.

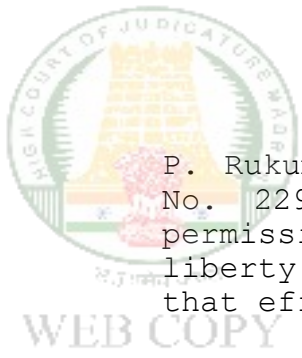
For Petitioner : Mr. R. Arundattan

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.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

maya
To

1. The Joint Sub Registrar No.3
Salem West
Registration Department
Sivadapuram Village & Post
Salem - 636 307.

+1cc to Mr.R.Arundattan , Advocate SR.No. 102453
Special Government Pleader 102911,102918

W.P. No. 34021 of 2019

A.SK(02/01/2020)