

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

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

W.P. No.34825 of 2019

C.Ponnusamy

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Vellore District.

2. The Thasildar,
Office of the Tahsildar,
Tirupathur Taluk.

3.The Sub-Registrar,
Jolarpettai,
Vellore District.

4.Dominic Savio.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Third Respondent to cancel the Sale Deed No.616 of 2013 dated 21.03.2013 in pursuant to the petitioner's representation dated 14.11.2019 and further other orders deem fit and necessary of the fact and circumstances of the case.

For Petitioner : Mr. P.Muthamizhselvakumar

For Respondents: Mr. M.Jothikumar,
Additional Government Pleader
(For R1 & R2)

: Mr.M.Thamizharasan,
Government Advocate (for R3)

O R D E R

When it is pointed out by Mr. M. Tamizharasan, Learned Government Advocate, who takes notice for the First 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

jrs/maya

To

1. The District Collector,
Office of the District Collector,
Vellore District.
2. The Thasildar,
Office of the Tahsildar,
Tirupathur Taluk.
3. The Sub-Registrar,
Jolarpettai,
Vellore District.

+1cc to the Government Pleader, S.R.No. 105335

W.P. No. 34825 of 2019

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