

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.12.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 34773 of 2019

G. Magendran

... Petitioner

-vs-

1. The Deputy Inspector General of Registration,
Vellore Division, Vellore-1.
2. The Enquiry Officer-Cum-District Registrar (Administration),
(Assistant Inspector General of Registration Cadre),
Velappadi, Vellore-1,
Vellore District.
3. M. Rajeswari
4. D. Rajendran
5. Rajalakshmi
6. D. Ragupathi
7. D. Raja Kavitha
8. D. Rajasuguna

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected in No.1007/A2/2019 dated 08.07.2019 and Na.Ka.No.2841/B1/2019 dated 18.09.2019 of the Second and First Respondents respectively and quash the same in regard to illegal registration and consequently direct the First Respondent to dispose the appeal petition of the Petitioner dated 26.08.2019 on merits.

For Petitioner : Mr. G. Elanchezhiyan

For Respondents : Mr. T. M. Pappiah,
Special Government Pleader
(For R1 and R2)

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 and Second 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. It is clarified that the Civil Court shall decide the matter, uninhibited and uninfluenced by any of the observations made by the First and Second Respondents in the orders which have been impugned in this Writ Petition.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssi/vjt

To

1. The Deputy Inspector General of Registration,
Vellore Division, Vellore-1.
2. The Enquiry Officer-Cum-District Registrar (Administration),
(Assistant Inspector General of Registration Cadre),
Velappadi, Vellore-1, Vellore District.

+1cc to Mr.G.Elanchezhiyan, Advocate, SR.No.104898.

+1cc to Government Pleader, SR.No.104689.

W.P. No. 34773 of 2019

RV(CO)

CSR:24/01/2020

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