

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2020

CORAM

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

W.P. No. 439 of 2020

E.Chandrappa

... Petitioner

Vs.

1. The Inspector General of Registration
Santhome, Chennai - 28.

2. The District Registrar
No.1, Thiruvannamalai Road
Krishnagiri - 635 001.

3. The Sub Registrar
Kelamangalam
Krishnagiri District.

4. E.Maregowdu

5. Chytanya

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Second Respondent to conduct enquiry and pass appropriate orders on the petitioner's appeal dated 06.11.2019 within stipulated time period.

For Petitioner : Mr. T.Sundaravadanam

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 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. Learned Counsel for the Petitioner further submits that the right of the Petitioner to lodge complaint against the Registering Authority for taking appropriate disciplinary action against him for violating the rules governing registration before the concerned authority ought not be fettered. It is made clear that no view has been expressed by this Court on the correctness or entitlement of the claim made by the Petitioner in that regard, and it is open to him to pursue the matter before the concerned authority, if he is entitled to do so, in the manner recognized by law.

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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

maya/vjt

To

1. The Inspector General of Registration
Santhome, Chennai - 28.

2. The District Registrar
No.1, Thiruvannamalai Road
Krishnagiri - 635 001.

3. The Sub Registrar
Kelamangalam
Krishnagiri District.

+1cc to Mr.T.Sundaravadanam, Advocate SR.No.2464

+1cc to Government Pleader, High Court, Madras SR.No.3208

W.P. No. 439 of 2020

GP(CO)
GMY(24/01/2020)