

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM

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

W.P. No. 2350 of 2020

S.P. Balachandar

... Petitioner

-vs-

1. The Inspector General of Registration,
Office of IG of Registration,
No. 100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Office of the District Registrar,
Chennai-South,
Guindy,
Chennai - 600 015.

3. P. Satish Kumar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First and Second Respondents to consider the representation of the Petitioner dated 11.11.2019 and consequently remove the encumbrance in respect of the Petitioner's property in S. No. 510/17B in Plot No. 30 measuring an extent of 1650 Sq. ft. in S. No. 510/17 in "Sri Balaji Nagar", Varadharajapuram Village, Sriperumbudur Taluk pass order in accordance with law.

For Petitioner : Ms. Ami V. Kataria

For Respondents: Mr. M. Thamizharasan,
Additional Government Pleader
(for R1 and R2)

O R D E R

When it is pointed out by Mr. M. Thamizharasan, Learned Additional Government Pleader, who takes notice for the First and Second Respondents, that the Petitioner cannot call upon the

Registering Authority to cancel registration of documents 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 she 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Office of IG of Registration,
No. 100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Office of the District Registrar,
Chennai-South,
Guindy,
Chennai - 600 015.

+1cc to Government Pleader SR.NO. 8616, 9030

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mg(co)
nr 20/02/2020