

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

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

W.P. No. 3801 of 2020

N. Thirunavukkarasu

... Petitioner

Vs.

1. The District Collector
Chennai.
2. The District Registrar
O/o. District Registration Office
South Chennai.
3. The Tahsildar
Mambalam - Guindy.
4. The Sub Registrar
Thyagaraya Nagar.
5. The Inspector General of Registration
Tamilnadu
Santhome, Chennai.
6. M.Rafiqdeen
7. M.N.Sultan Sagirabivi
8. A.Sultan Basirabivi
9. M.Mohammed Vasirdeen
10. M.Mohammed Nasirdeen

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Respondents 1 to 5 to conduct the enquiry in respect of the clandestine created sale deeds with false measurements dated 16.04.1991 and 25.06.1991 vide Doc. Nos. 759/1991 and 1272/1991 respectively at SRO, Thyagaraya Nagar to secure the exclusive right of the Petitioner's easement rights over the common path way which is the exclusive way for the Petitioner's property as per the sale deeds Document Nos.898/1990 and 464/1991 SRO, at Thyagaraya Nagar based on the representation dated 27.11.2018 to secure the ends of justice.

For Petitioner : Mr. T.Vijayshankar
For Respondents : Mr. Annai Ezhil (For R1 & R3)
Government Advocate
Mr. T.M.Pappiah
Special Government Pleader (For R2 & R4)

O R D E R

When it is pointed out by Mr. T.M.Pappiah, Learned Special Government Pleader, who takes notice for the Second and Fourth 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.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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar (CS-)

// True Copy//

Sub Assistant Registrar

may

To

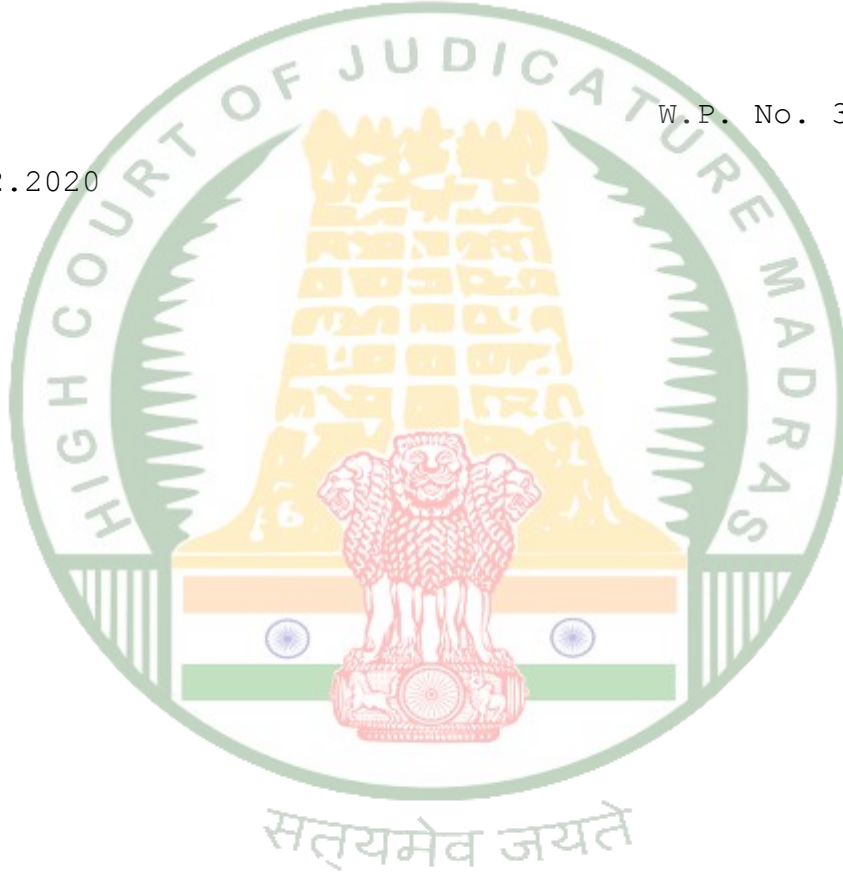
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Santhome, Chennai.

+1cc to Government Pleader, SR.No.14201 and 13211.

AD(CO)
CSR: 27.02.2020

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