

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.02.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 2823 of 2020
and
W.M.P. No. 3271 of 2020

Kothandapani

... Petitioner

-vs-

1. The Principal Revenue Secretary,
Revenue Department,
Government of Tamil Nadu,
Chief Secretariat,
Fort St. George,
Chennai.
2. The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai - 600 004.
3. The District Registrar,
Villupuram,
Villupuram District.
4. The Sub Registrar,
Marakanam,
Marakanam Taluk,
Villupuram District.
5. Jeganathan
6. Vasantha Kumar
7. Durai Raj
8. Srinivasan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First to Fourth Respondents to take appropriate action, in pursuant to the proceedings of the Second Respondent in Letter No. 8081/U2/2019 dated 21.05.2019, over the forged registration of the Settlement Deed dated 01.10.2018 registered

vide Document No. 240/2019 before the Fourth Respondent on 13.02.2019, executed by the Fifth Respondent, in a unilateral manner, violating the directions of this Court in W.P. No. 33421 of 2018 and further direct the First to Third Respondent to conduct appropriate enquiry and initiate action in accordance with Section 83 of the Registration Act, 1908.

For Petitioner : Mr. B. Balavijayan

For Respondents: Mr. R. Venkatesh,
Government Advocate (for R1)

Mr. T.M. Pappiah,
Special Government Pleader
(for R2 to R4)

O R D E R

Mr. R. Venkatesh, Learned Government Advocate takes notice for the First Respondent and Mr. T.M. Pappiah, Learned Special Government Pleader takes notice for the Second to Fourth Respondents.

2. When it is pointed out 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.

3. At the same time, Learned Counsel for the Petitioner submits that the right of the Petitioner to take action against the Registering Authority under the provisions of the Registration Act, 1908, shall be kept reserved, particularly, in the light of the order dated 21.05.2019 passed by the Second Respondent. In this regard, it is clarified that in the event of no action being taken, it would certainly be open to the Petitioner to work out his remedies at the appropriate stage for necessary

relief before the competent forum in the manner recognized by law.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Revenue Secretary,
Revenue Department,
Government of Tamil Nadu,
Chief Secretariat,
Fort St. George,
Chennai.
2. The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai - 600 004.
3. The District Registrar,
Villupuram,
Villupuram District.
4. The Sub Registrar,
Marakanam,
Marakanam Taluk,
Villupuram District.

+1cc to Mr. B. Balavijayan, Advocate sr.9405
+1cc to Government Pleader SR.NO. 10380

W.P. No. 2823 of 2020

nr 25/02/2020