

**W.P. No. 2629 of 2020
(through video conference)**

P.D. AUDIKESAVALU, J.

The matter is listed today under the caption 'for clarification' on receipt of e-mail dated 09.02.2021 from Mr. D.Ravichander, Learned Additional Government Pleader (Puducherry) appearing for the First and Second Respondents, who has brought to notice that instead of his name, it has been inadvertently mentioned that Mr. T.M.Pappiah, Learned Special Government Pleader has appeared in the order dated 05.02.2020.

2. After carrying out rectification of the aforesaid correction, the appearance of the Counsel appearing for the parties in the order dated 05.02.2020 shall read as follows:-

For Petitioner : Mr. D.Rajagopal

For Respondents : Mr. D.Ravichander,
Additional Government Pleader (Puducherry)
(For R1 & R2)

3. That apart, para 1 of that order shall be substituted as follows:-

“ When it is pointed out by Mr. D.Ravichander, Learned Additional Government Pleader (Puducherry), who takes notice for the First and Second 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."*

Registry is directed to issue corrected copy of the order to the concerned parties without collecting any extra charges for the same.

12.02.2021

vjt

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vjt



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12.02.2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

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

W.P. No. 2629 of 2020

S.Muthukrishnan

... Petitioner

Vs.

1. The Registrar
Office of the Registration
Puducherry.

2. The Sub Registrar
Office of the Sub Registrar
Bahour, Puducherry.

3. Arjunan
4. Kasinathan
5. Murugadoss

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the First Respondent to conduct an enquiry in respect of

(i) Sale deed dated 03.10.1967 bearing Document No.23/1967 Vol. 791;

(ii) Sale deed dated 16.04.2003 bearing Document No.627 / 2003;

(iii) Partition Deed dated 20.05.2011 bearing Document No.2249/2011;

(iv) Partition Deed dated 22.06.2016 bearing Document No.13574/2016;

(v) Settlement deed dated 12.07.2012 bearing Document No. 9160/2017;

and to cancel the forged documents created by the Respondents 3 to 5 on the file of the Second Respondent.

For Petitioner : Mr. D.Rajagopal

For Respondents : Mr. D.Ravichander,
Additional Government Pleader (Puducherry)

ORDER

When it is pointed out by Mr. D.Ravichander, Learned Additional Government Pleader (Puducherry), who takes notice for the First and Second 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. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

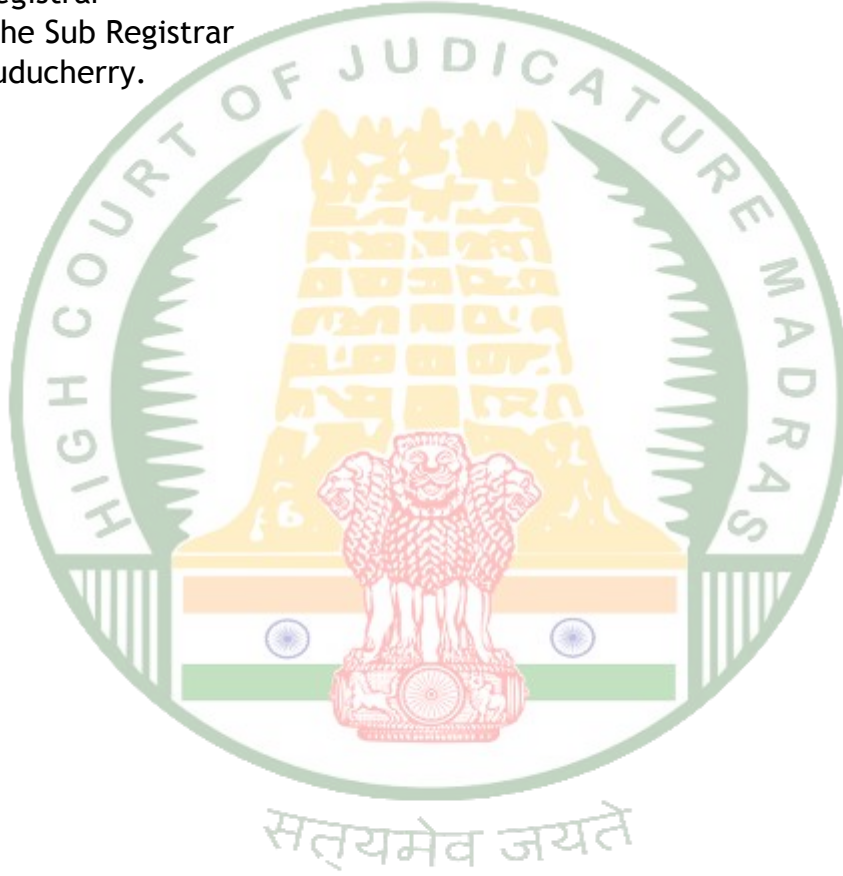
05.02.2020

Internet: Yes/No
Index : Yes/No
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Note: Issue order copy by 20.02.2020.

To

1. The Registrar
Office of the Registration
Puducherry.
2. The Sub Registrar
Office of the Sub Registrar
Bahour, Puducherry.



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Dated : 05.02.2020