

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

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

W.P. No. 2300 of 2020

D.Jolly Devadass

... Petitioner

-VS-

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

2.The District Registrar,
District Registration Office
Thanjavur.

3.The Sub Registrar (Joint-I)
Sub Registrar's Office at Thanjavur
Thanjavur.

4.L. Divyanathan Udayar

5.Jaya Jesali

6.Jaya Anbugracy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents First to Third to consider the Petitioner's representation dated 18.12.2019 and conduct the proper enquiry with regard to the illegal registration of the Documents, viz., (1) Will Vide Document No. 48 of 2011, dated 09.02.2011, (2) Settlement Deed vide Document 1563/2011, dated 09.02.2011, and (3) Settlement vide Doc. No. 3358 of 2014, dated 05.06.2014, based on the representation of the Petitioner, dated 18.12.2019.

For Petitioner : Mr. P. Britto

For Respondents: Mr. M. Thamizharasan
Additional Government Pleader
(for R1 to R3)

O R D E R

When it is pointed out by Mr. M. Tamizharasan, Learned Additional 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. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm

To

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

2.The District Registrar,
District Registration Office
Thanjavur.

3.The Sub Registrar (Joint-I)
Sub Registrar's Office at Thanjavur
Thanjavur.

+1cc to the Government Pleader SR.8120

W.P. No. 2300 of 2020

RSI (CO)
CB(13/02/2020)