

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

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

W.P.NO.3941 OF 2020

P.Duraiswamy

... Petitioner

Vs.

1. The Inspector General of Registration
No.120, Santhome High Road
Pattinapakkam, Chennai - 600 028.
2. The Deputy Inspector General of Registration
Salem Collectorate Premises
Salem - 636 001.
3. The District Registrar (Salem west)
Office of the District Registrar
Salem Collectorate Premises
Salem - 636 001.
4. Sub Registrar
Sub-Registrar Office
Suramangalam
Chennai - 636 005.
5. D.Selvaraj
6. D.Venugopal
7. C.Pannerselvam
8. K.Shanmugam
9. D.Ramesh
10. A.Tamilarasan

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records, pertaining to the impugned order dated 31.10.2019 (received by the Petitioner on 08.11.2019) passed by the Second Respondent (Deputy Inspector General of Registration, Salem) in his proceedings No. 2858/E2/19 dated 31.10.2019 and quash the same and direct the Respondents 3 & 4 to initiate prosecution and annul Document No.1562 of 2008 registered with Sub-Registrar, Salem (West) District, under Section 83 of the Registration Act, 1908.

For Petitioner : Mr.Rathina Asohan

For Respondents: Mr.T.M.Pappiah
Special Government Pleader
(For R1 to R4)

O R D E R

When it is pointed out that the Petitioner could file a private complaint against the vendors in respect of the charges for which he has made a representation against the Registering Authority and the impugned order would not be a bar for the same and that the Petitioner cannot challenge the registration of a document executed between some other persons relating to the property claimed to be owned by him in a Writ Petition 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 and he has made an endorsement to that effect, which is recorded. It is made clear that the Petitioner is not precluded from exercising his right to pursue his legal remedy for necessary relief before the competent forum in the manner recognized by law.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mayas/sj

To

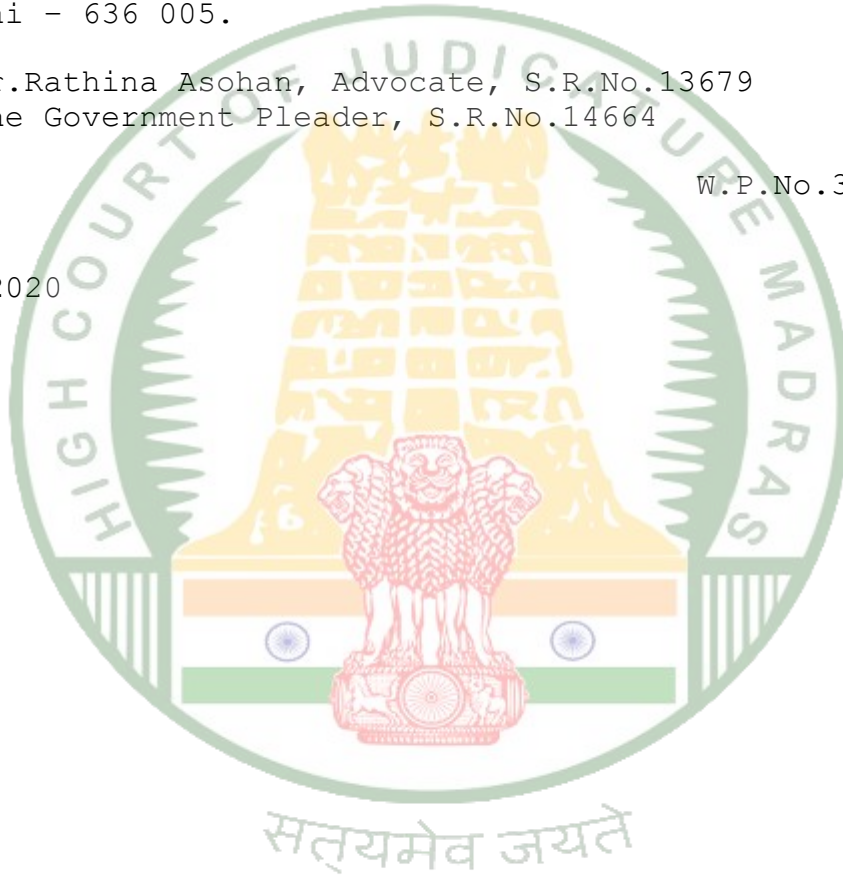
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+1cc to Mr.Rathina Asohan, Advocate, S.R.No.13679
+1cc to the Government Pleader, S.R.No.14664

W.P.No.3941 of 2020

VGII(CO)
CS/04/06/2020



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