

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.02.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 3734 of 2020
and
W.M.P. No. 4408 of 2020

G. Chellammal

... Petitioner

Vs.

1. The District Collector
Chennai District.
2. The District Registrar
Chennai North.
3. The Sub Registrar
Sembiam.
4. K.Chandra Prakash
5. K.Swapna

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the 1st, 2nd and 3rd Respondents to consider the representations dated 30.12.2019, 03.02.2020 and 14.12.2019 given by the Petitioner to the 1st, 2nd and 3rd Respondents for to cancel the Gift Settlement Deed which the Petitioner executed to and in favour of her son.

For Petitioner : Mr. U.Jugal Kumar

For Respondents: Mr. G.K.Muthukumar (For R1)
Special Government Pleader
Mr. T.M.Pappiah
Special Government Pleader (For R2 & R3)

O R D E R

Mr. G.K. Muthukumar, Learned Special Government Pleader takes notice for the First Respondent and Mr. T.M. Pappiah, Learned Special Government Pleader takes notice for the Second and Third Respondents.

2. When it is pointed out by the Learned Special Government Pleader appearing for the Second and Third Respondents 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). That apart, having regard to the contentions raised by the Petitioner, it also prima facie appears that the Petitioner could pursue for the relief that has been sought in this Writ Petition in an application before the concerned authority under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. In view of the same, 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. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Chennai District.

2. The District Registrar
Chennai North.

3. The Sub Registrar
Sembiam.

+1cc to Mr.K.Saranraj, Advocate sr.12771
+1cc to Government Pleader SR.NO. 14200

W.P. No. 3734 of 2020

ad(co)
nr 27/02/2020