

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.02.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 4759 of 2020

S. Rasammal

... Petitioner

-vs-

1. The District Registrar,
(District Registrar Office),
Rangampalayam,
Near Erode Arts College,
Erode District.

2. The Sub Registrar,
Sub Registrar Office,
Kalnadai Maruthaga Street,
Ammapettai,
Anthiyur,
Erode District.

3. N. Lakshmi

4. K.N. Krishnamoorthy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to conduct property investigation on the representation dated 01.10.2019 made by the Petitioner to the First Respondent cancel the sale deed No. 2111/2014 dated 18.08.2014 on the file of the Second Respondent herein in view of clear fraud in accordance with law and dispose the matter at the earliest.

For Petitioner : Mr. L. Muthusamy

For Respondents: Mr. M. Thamizharasan,
Additional Government Pleader
(for R1 and R2)

O R D E R

Mr. M. Thamizharasan, Learned Additional Government Pleader takes notice for the First and Second 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. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vjt
To

1. The District Registrar,
(District Registrar Office),
Rangampalayam,
Near Erode Arts College,
Erode District.
2. The Sub Registrar,
Sub Registrar Office,
Kalnadai Maruthaga Street,
Ammapettai,
Anthiyur,
Erode District.

+1 cc to the Government pleader sr18226
+1 cc to Mr.L.Muthusamy Advocate sr18495

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aa15/05/2020



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