

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

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

W.P. No. 31268 of 2019

Shanthi

...Petitioner

-vs-

1.The Inspector General of Registration,
Santhome,
Chennai - 600 028.

2.The District Registrar,
Chennai North Registration District,
Chennai.

3.The Sub Registrar,
Sembium,
Chennai.

4.Rajeswari

5.Vijayakumar

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First and Second Respondents to conclude the enquiry on the complaint of the Petitioner dated 03.06.2019 with such time as may be directed by this Court.

For Petitioner : Mr. T. Sai Krishnan

For Respondents : Mr. T.M. Pappiah,
Special Government Pleader
(for R1 to R3)

Mr. P. Chandrasekaran
(for R4 and R5)

O R D E R

It is pointed out by Mr. T.M. Pappiah, Special Government Pleader, who takes notice for the First to Third Respondents, that it has been ruled by the Hon'ble Supreme Court of India in Satya Pal Anand -vs- State of Madhya Pradesh [(2016) 10 SCC 767] that once a document has been registered, the Registering Authority cannot cancel the registration even if his attention is invited to some irregularity committed during the registration of the document, and that the remedy for the aggrieved party is only to challenge the registration and validity of the document in a suit invoking Section 31 of the Specific Relief Act, 1963, before the jurisdictional Civil Court. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to resort to that procedure, and he has made an endorsement to that effect, which is recorded.

2. At the same time, Learned Counsel for the Petitioner also states that the right of the Petitioner to take action against the Registering Authority under the provisions of the Registration Act, 1908, should be kept reserved, particularly on account of the complaint made for the same under Section 68(2) of the Registration Act, 1908. It is clarified that in the event of no action being taken on that complaint and depending upon the ultimate outcome of the aforesaid suit, it would be open to the Petitioner to work out her remedies for necessary relief before the competent forum in that regard in the manner recognized by law.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is needless to clarify here that no view has been expressed by this Court on the correctness or entitlement of the claim made by the Petitioner in that regard. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Inspector General of Registration,
Santhome,
Chennai - 600 028.

2. The District Registrar,
Chennai North Registration District,
Chennai.

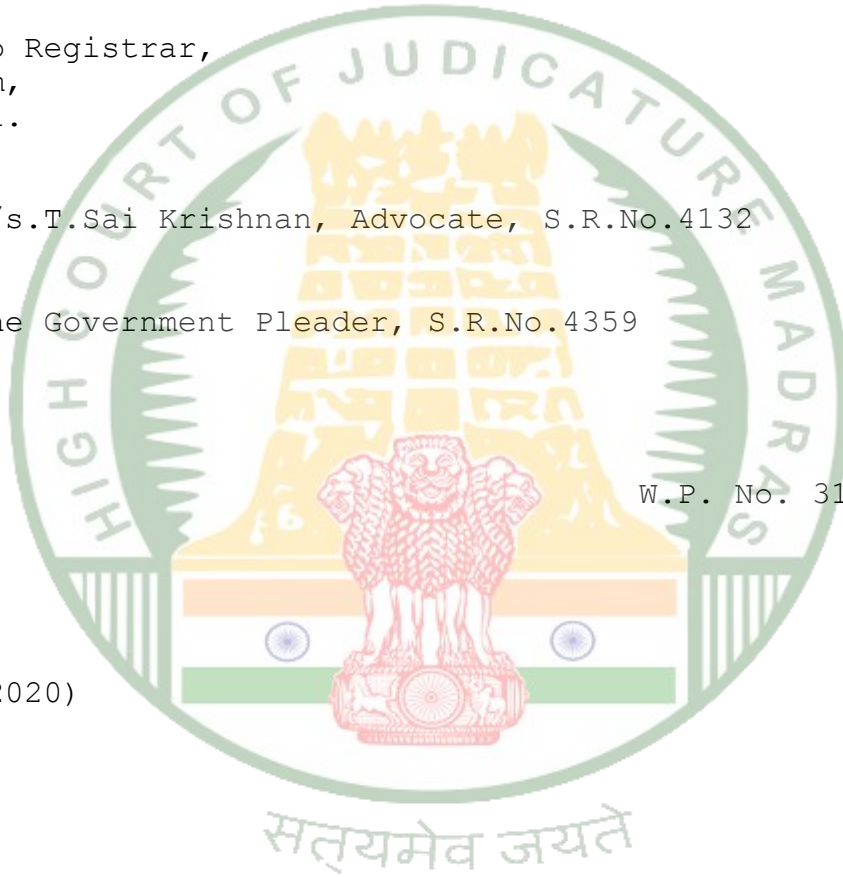
3. The Sub Registrar,
Sembium,
Chennai.

+1cc to M/s.T.Sai Krishnan, Advocate, S.R.No.4132

+1cc to the Government Pleader, S.R.No.4359

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VSN II(CO)
RN(09/06/2020)



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