

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

CORAM

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

W.P. No. 31988 of 2019
and
W.M.P. No. 32229 of 2019

N. Gopalakirshnan

... Petitioner

-vs-

1. The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai - 600 004.

2. The Sub-Register (District Register Cadre),
Triplicane,
Chennai - 600 001.

3. N. Lakshmi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the unilaterally execution of cancellation deed executed by the Third Respondent vide 94/2009 dated on 05.02.2009 on the file of the Second Respondent and quash the same and consequentially direct the Second Respondent to remove the unilateral cancellation of settlement deed vide 94/2009 dated on 05.02.2019 from the Encumbrance Certificate of the land and building New No. 65, Old No. 32, Bangaru Naicken Street, Anna Salai, Chennai - 600 002, and comprised in Survey No. 423/1 block No. 15 and admeasuring East to West on Northern side 27 feet and Southern side 27 feet, North to South on Eastern side 32 feet in all measuring to extent 864 square feet with the Registration District of Central Madras and Sub-Registration District of Triplicane as per the representation Petitioner dated 11.04.2019 by this Court.

For Petitioner : Mr. M. Rajasekhar

For Respondents: Mr. T.M. Pappiah,
Special Government Pleader
(for R1 and R2)

Mr. M. Govindaraju (for R3)

O R D E R

When it is pointed out by Mr. T.M. Pappiah, Learned Special Government Pleader appearing for the First and Second Respondents that the Petitioner cannot challenge 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 the parties to settle the matter by mutual negotiation or 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. Consequently, the connected the Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai - 600 004.

2. The Sub-Registrar (District Registrar Cadre),
Triplicane,
Chennai - 600 001.

+1cc to Mr.M.Raja Sekhar, Advocate SR.7946
+1cc to the Government Pleader SR.7688

W.P. No. 31988 of 2019

SSD(CO)
CB(24/02/2020)



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