



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.03.2020

CORAM

WEB COPY

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

W.P. (MD) No.1550 of 2020
and
W.M.P. (MD) No.1265 of 2020

Kala

... Petitioner

Vs.

1.The Sub-Registrar,
Kadayanallur,
Tenkasi District.

2.Rakkammal

... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Declaration, to declare registration of impugned cancellation deed dated 16.04.2019 registered as Document No.1749 of 2019 in Book No.1 on the file of the First Respondent as null and void, consequently direct the First Respondent to remove the entries in his office files with regard to the same.

For Petitioners : Mr.D.Venkatesh
For Respondent 1 : Mr.V.Anand
Government Advocate.

ORDER

It is pointed out by Mr. V.Anand, Learned Government Advocate, who takes notice for the First Respondent, 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.

2. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioners to resort to that procedure, and he has made an endorsement to that effect, which is recorded. It is further brought to notice that the Petitioner had earlier filed a suit in O.S.No.261



of 2019 on the file of the District Munsif Court, Tenkasi for such relief, but it was dismissed as not pressed on 09.01.2020 in view of the filing of the present Writ Petition and hence, there is a legal impediment for the Petitioner to resort to the same.

3. In view of the aforesaid submission made, the Petitioner is permitted to file an application to set aside the order dated 09.01.2020 dismissing that suit as not pressed and revive the suit for its disposal on merits in accordance with law.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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, connected Miscellaneous Petition is closed. No costs

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta

To

The Sub-Registrar,
Kadayanallur,
Tenkasi District.

+1 CC to M/s.V.KARUPPAIAH, Advocate (SR-12546[F] dated 19/03/2020)
+1 CC to M/s.D.VENKATESH, Advocate (SR-12737[F] dated 20/03/2020)
+1 CC to SPL.GP (SR-12449[F] dated 19/03/2020)

W.P. (MD)No.1550 of 2020
18.03.2020

MK (14.05.2020) 2P 5C