



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2020

C O R A M

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 16048 of 2019

S. Krishna Moorthy

... Petitioner

Vs.

1. The District Registrar,
Trichy District.

2. The Sub-Registrar,
The Office of the Sub-Registrar,
Manatchanallur, Trichy District.

3. Merina Mishra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, to direct the First and Second Respondents to pass appropriate order cancelling the registration of the sale deed dated 14.09.2007 registered vide doc.No.3794 of 2007 in favour of the Third Respondent at the office of the Second Respondent in respect of the property in Plot No.1017 originally named as "Ambika Nagar North Extension Part-II" and subsequently renamed as "Raghavendra Nagar", Inamkalpalayam Village, Manatchanallur Taluk, Trichy District.

For Petitioner : Mr. R. Anand

For Respondents 1 & 2 : Mr. V. Anand
Government Advocate

ORDER

When the matter was taken up for hearing through video conferencing, it is pointed out by Mr. V. Anand, Learned Government Advocate, who takes notice for the First and Second 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. He has further informed that he would send a confirmatory e-mail to the Registrar (Judicial) of this Court to that effect, which shall be placed on record.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is also made clear that the period from the date of presentation of this Writ Petition (i.e., 09.07.2019) till the date on which certified copy of this order is made ready by the Registry, shall be excluded while computing the period of limitation for the filing of the proposed suit. It is needless to add here that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner in that regard. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The District Registrar,
Trichy District.
- 2.The Sub-Registrar,
The Office of the Sub-Registrar,
Manatchanallur, Trichy District.

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