

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.1512 of 2016
and
W.M.P.No.1288 of 2016

S.Sivakumar

.. Petitioner

Vs

- 1.The Inspector General of
Registration,
No.100, Santhome High Road,
Chennai 600 028.
 - 2.The Registrar,
District Register Office,
Perambalur.
 - 3.The District Collector,
Collector Office,
Perambalur.
 - 4.Swamivelu
 - 5.Chandrasekaran
 - 6.Baskar
 - 7.Ganesan
 - 8.Kowsalya
 - 9.Vaijyanthi
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to conduct enquiry on the petitioner's representation in accordance with the 3rd respondent letter dated 18.03.2015 vide letter No.O.M/3371/AA2.

For Petitioner : Mr.T.Saravanan

For Respondents: Mr.P.Sanjay Gandhi. AGP for R1 to R3.

O R D E R

This writ petition is filed for issuing writ of mandamus directing the second respondent to conduct enquiry on the petitioner's representation in accordance with the 3rd respondent letter dated 18.03.2015 vide letter No.O.M/3371/AA2.

2.The case of the petitioner is that the respondents 5 to 9 are brothers and sisters of the petitioner and the property in dispute is an ancestral property, in which the petitioner is having 1/6th share. The petitioner's brother by name Baskar and Ganesan/respondents 6 and 7 herein have taken their father/fourth respondent by force and demanded to get the documents in their favour. So, the petitioner sent a written complaint to the second respondent on 09.01.2015. Despite the same, the petitioners brothers/respondents 6 and 7 did not cooperate to partition the property. Therefore, another representation was given to the respondents 1 to 3 on 09.03.2015. The third respondent has forwarded the representation to the second respondent for necessary action vide letter No.OM/3371(AA2) dated 18.03.2015.

3.Mr.P.Sanjay Gandhi, Additional Government Pleader submitted that the petitioner has given representation to the respondents seeking partition of the property in dispute, for which the second respondent sent a prompt reply dated 12.02.2015 stating that the petitioner has to approach the competent civil court. The petitioner, instead of approaching the competent civil court by way of suit, filed the present writ petition. The learned Additional Government Pleader further submitted that the dispute between the petitioner and the respondents 4 to 9 cannot be decided in the writ jurisdiction.

4.Heard the submissions of Mr.T.Saravanan, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3.

5.As rightly contended by the learned Additional Government pleader, the petitioner has to approach the competent civil court seeking for his share in the property in dispute. The respondents 1 to 3 have no jurisdiction to decide the nature of the property and rights of the parties over the land in dispute.

6.I do not find any merit in the writ petition.

7.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
- 2.The Registrar,
District Register Office,
Perambalur.
- 3.The District Collector,
Collector Office,
Perambalur.

+ 1 cc to Mr.T.Saravanan, Advocate Sr.352

W.P.No.1512 of 2016
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GJ(CO)
Eu 17.02.16



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