

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.28544 of 2014
and
M.P.No.1 of 2014

P.Arul

.. Petitioner

Vs.

- 1.The Sub Registrar,
Katpadi Sub Registrar Office,
Katpadi Taluk.
- 2.Dominic Soviyo
- 3.Noyell

.. Respondents

The writ petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to hold an enquiry in the presence of the petitioner along with the second and the third respondents, before registering their document, in respect of the land, situated at Tharapadavedu village, Katpadi Taluk, in S.No.63/1, by considering the petitioner's representation, dated 20.10.2014.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents: Mr.K.Dhananjayen, Spl.G.P for R1
Mr.W.M.Abdul Majeed for RR2 and 3

ORDER

Heard.

2 This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent to hold an enquiry, before registering the documents to be presented for registration, by the second and the third respondents, in respect of the land, situated in S.No.63/1, Tharapadavedu village, Katpadi Taluk, Vellore District.

3 The petitioner has stated that the land, having an extent of about 1.32 acres, in S.No.63/1, Tharapadavedu village, Katpadi Taluk, Vellore District, belongs to the petitioner. However, after the demise of the parents of the petitioner, the second and the third respondents had taken illegal possession of the said land. Further, they are trying to sell the land to third parties, illegally, without having the necessary title to the said property. In such circumstances, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

4 The learned counsel appearing on behalf of the respondents 2 and 3 had submitted that the property in question had been purchased by them, by way of a registered sale deed, dated 23.6.2005, bearing document No.3582/2005, registered at the office of the Sub Registrar, Katpadi, for a valuable consideration. From the date of the purchase of the said land, they have been in possession, occupation and enjoyment of the said property. They have been paying all the necessary taxes, kists, charges, etc., for the said land. The Revenue records have also been mutated, in favour of the second and the third respondents herein. In such circumstances, it is not open to the petitioner to submit a representation to the first respondent, to cause an enquiry into the validity of the sale, or about the title of the second and the third respondents, in respect of the property, bearing S.No.63/1, Tharapadavedu village, Katpadi Taluk, Vellore District.

5 The learned counsel appearing on behalf of the first respondent had submitted that the first respondent does not have the power to consider the representation submitted by the petitioner, with regard to the title of the property in question.

6 In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, and on a perusal of the records available, this Court finds no merit in the present writ petition, filed by the petitioner. The relief prayed for by the petitioner, praying for a Writ of Mandamus to direct the first respondent to consider the representation, dated 20.10.2014, submitted by the petitioner, and to cause an enquiry, based on the said representation, cannot be granted by this Court, at this stage. Hence, the writ petition stands dismissed. However, it goes without saying that it may be open to the petitioner to seek his reliefs, if any, before the appropriate civil forum, in the manner known to law, if so

advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vvk

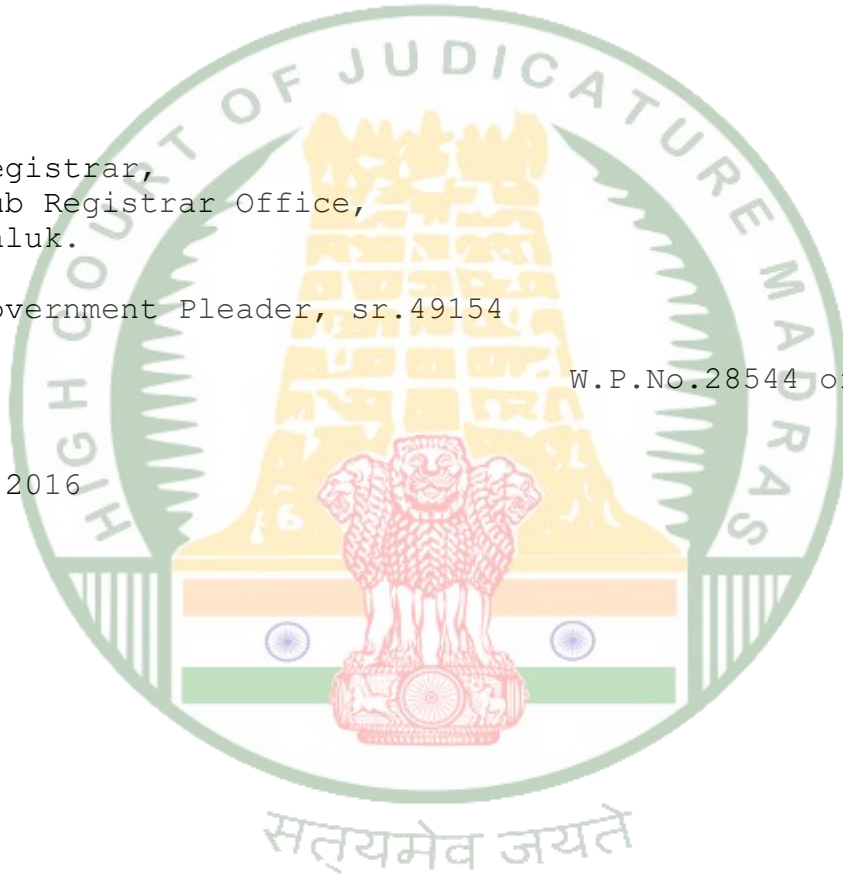
To

The Sub Registrar,
Katpadi Sub Registrar Office,
Katpadi Taluk.

1 CC to Government Pleader, sr.49154

W.P.No.28544 of 2014

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kra 15.09.2016



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