



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2016

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.19529 of 2016

1.V.Easwaran
2.Maheswaran
3.Satheeskumar

.. Petitioners

Vs.

1.The Sub Registrar,
O/o The Sub Registrar's Office,
N.R.T.Nagar, Theni.

2.The District Registrar,
O/o The District Registrar,
Agrakaram Street,
Thenkarai, Periyakulam.

3.The Inspector General of Registration,
O/o The Inspector General of Registration,
Foresore Estate, Santhome, Chennai - 28.

4.S.Rathinam
5.V.S.Sandeep
6.K.Sevika
7.C.Pounmani
8.C.Suganya
9.C.Sangeetha
10.C.Latha
11.C.Raja
12.Venkateswari
13.A.Sarasu
14.P.Chellaiah
15.Rajanikanth
16.B.Chellammal
17.P.Arjunan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 29.10.2010 and 29.08.2016 by the first petitioner and to annul all documents registered in contravention of the provisions circulated in <https://hcservices.mca.gov.in/hcservices/No.52338/C1/2011> dated 03.11.2011 by the third respondent.



For Petitioner : Mr.N.S.Ponnaiah
For Respondent : Mr.C.Selvaraj
Special Government Pleader
for R1 to R3

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No appearance for R4 to R17

ORDER

This writ petition is filed seeking for a Mandamus directing the respondents 1 to 3 to consider the representations of the petitioner dated 29.10.2010 and 29.08.2016 to annul documents registered in contravention of the provisions circulated in Circular No.67C No.52338/C1/2011 dated 03.11.2011.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 3. Though notice was privately served on the respondents 4 to 16, they have not chosen to appear before this Court and their names are printed in the cause list.

3.It is seen that the grievance of the petitioner is to the effect that the private respondents have alienated some of the properties without having full right over the same and also making attempt to alienate some of the items of the said property. It is seen that between the parties, a civil suit for partition was filed and final decree proceedings is pending between them. Therefore, I am of the view that the grievance of the petitioners in this writ petition certainly would not fall within the purview and ambit of Circular 67, which deals with the transaction fraudulently made either by impersonation or by fraud etc. In this case, even according to the petitioners, the respondents are having only some share in the lands and not full right. All these contentions have to be considered and adjudicated upon by the civil Court. When such being the factual position, I do not think that the present writ petition filed can be entertained, as it is for the petitioner to workout the remedy before the civil Court, which is said to be pending before the competent civil Court.

Accordingly, this writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar



To

1.The Sub Registrar,
O/o The Sub Registrar's Office,
N.R.T.Nagar, Theni.

2.The District Registrar,
O/o The District Registrar,
Agrakaram Street,
Thenkarai, Periyakulam.

3.The Inspector General of Registration,
O/o The Inspector General of Registration,
Foresore Estate, Santhome, Chennai - 28.

+1cc to Special Government Pleader, SR.No.82953

W.P (MD) No.19529 of 2016
21.12.2016

skn

GJM/KSM/SS2:19.01.2017:3P:4C