



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.12.2016

CORAM

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.22105 of 2016

M.Balakrishnan

..Petitioner

Vs

1.The Deputy Sub-Registrar,
Sub-Registrar Office-I,
Sivagangai.

2.The Deputy Sub-Registrar,
Sub-Registrar Office-II,
Sivagangai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to issue the present land owner name and the certified copies of entries in the landed property situated in S.F.No.1/16 at Kuttithinni Village, Kayankulam Group 84, Thamban Usilangulam Sub-Division, Sivagangai Taluk, Sivagangai to the Petitioner, based on the representation of the Petitioner, dated 25.09.2016 within the time frame fixed by this Court.

For Petitioner :M/s.S.Mohamed Kadhar

For Respondents :Mr.T.S.Mohammed Mohideen
Addl.Govt.Pleader

ORDER

This Writ Petition is filed seeking for a mandamus directing the respondents to issue the present land owner name and the certified copies of entries in the landed property situated in S.F.No.1/16 at Kuttithinni Village, Kayankulam Group 84, Thamban Usilangulam Sub-Division, Sivagangai Taluk, Sivagangai to the Petitioner, based on the representation of the Petitioner, dated 25.09.2016 within the time frame fixed by this Court.

2.Heard the learned counsel for the Petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for the respondents. I have perused the materials filed in the typed-set of papers.



3.It is seen that the Petitioner claims right and title over the property said to be in S.No.1/16. It is also seen that earlier a Writ Petition came to be filed by his brother challenging the rejection of a request for grant of patta in respect of the said S.No.1/16 on the reason that no such land was in existence in the revenue records containing S.No.1/16. The said Writ Petition in W.P(MD)No.10797 of 2015 was dismissed by directing the petitioner therein to approach the Civil Court and establish his right. Further appeal filed by the Petitioner therein in W.A(MD)No.1308 of 2016 also came to be dismissed by confirming the finding of the learned Single Judge. A perusal of the order passed by the Division Bench of this Court would show that the petitioner herein is trying to get an entry made in the registration documents indirectly, showing him as the owner of the land in respect of S.No.1/16, while in fact, no such land was shown to be in existence in those records as found by the Division Bench. No doubt, the Petitioner claims right over the property based on some sale deeds of the year 1945. The learned Single Judge also pointed out that those sale deeds do not contain any survey number. Whatever the case may be, as this Court has already directed the parties to approach the Civil Court and establish their rights, without exercising such action, filing this sort of Writ Petition cannot be entertained, as it is for the Petitioner to establish his case based on the records available as on date and not by creating any new records. Accordingly, I find no merit in the Writ Petition.

4.Consequently, the Writ Petition stands dismissed. No costs.

Sd/-

Deputy Registrar

/True Copy/

Sub Assistant Registrar

vsn

To

1.The Deputy Sub-Registrar,
Sub-Registrar Office-I, Sivagangai.

2.The Deputy Sub-Registrar,
Sub-Registrar Office-II, Sivagangai.

+1cc to Spl.Government Pleader Sr.No. 80004

+1cc to Mr.S.Mohamed Kadhar Advocate Sr.No.80310

JAM/27.12.16/RR/ 2p-5c