

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.7943 of 2018

1. Kavitha
2. Priyadarsini
3. Lavanya
4. Deepika

... Petitioners

... Vs ...

The Sub Registrar,
Mylapore Sub District,
Santhome, Chennai - 600 028.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to cancel the documents viz., deeds of mortgage dated 22.08.1994, registered as Document Nos.1844, 1845 and 1846 of 1994 and Deed of Sale dated 12.01.2007, registered on 22.01.2007 as Document No.114 of 2007, pursuant to the judgment of the II Additional Judge, City Civil Court, Madras, dated 29.06.2017 in O.S.No.2485 of 2015.

For Petitioners: Mr.M.Rajaramaan

For Respondent: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The present writ petition has been filed by the petitioners praying for issuance of a writ of Mandamus, directing the respondent to cancel the documents viz., deeds of mortgage dated 22.08.1994, registered as Document Nos.1844, 1845 and 1846 of 1994 and Deed of Sale dated 12.01.2007, registered on 22.01.2007 as Document No.114 of 2007, pursuant to the judgment of the II Additional Judge, City Civil Court, Madras, dated 29.06.2017 in O.S.No.2485 of 2015.

2. This Court will not entertain this writ petition for the simple reason that when the petitioner has come to this Court directing the respondent to cancel the documents viz., deeds of mortgage dated 22.08.1994, registered as Document Nos.1844, 1845 and 1846 of 1994 and Deed of Sale dated 12.01.2007, registered

on 22.01.2007 as Document No.114 of 2007, he has not even impleaded the opposite party. Therefore, for non-joinder of necessary party, the writ petition is liable to be dismissed. A person who is seeking remedy under Article 226 of the Constitution of India has to come to this Court with clean hands. But the petitioners have come to this Court with an ulterior motive to deliberately obtain the relief without impleading the necessary party.

3. In view of the above, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-iii)

//True Copy//

Sub Assistant Registrar

Jrl
To

The Sub Registrar,
Mylapore Sub District,
Santhome,
Chennai - 600 028.

+1cc to Mr.M.RAJA RAMAN Advocate, S.R.No. 26184
+1cc to the Government Pleader, S.R.No. 26802

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TR(09/05/2018)

सत्यमेव जयते

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