

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15696 of 2018

1. Saroja Ammal @ Saroja
W/o Kadhivel Naicker
2. K.Thulukanam
3. Govindammal
D/o Kadhivel Naicker
4. K.Srinivasan
5. K.Ravi
6. Lakshmi
D/o Kadhivel Naicker
7. Vijaya
D/o Kadhivel Naicker
8. K.Shankar
9. K.Vasu

... Petitioners

-vs-

The District Registrar
Chennai North, Kuralagam
Esplanade Road
Chennai 600 108

... Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to consider their representation dated 05.03.2018 which was submitted with him in person on 07.03.2018 requiring him to call for the records from the office of the Sub Registrar, Thiruvottiyur and conduct a thorough enquiry and cancel/revoke/annul those documents pertaining the lands belonging to the petitioners in accordance with law under Section 68(2) of the Registration Act, 1908.

For Petitioners :: Mr.C.P.Sivamohan

For Respondent :: Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioners claim that the husband of the first petitioner and the father of the other petitioners, namely, late Kadhivel Naicker was the absolute owner of various lands in

Vichur Village, Ponneri Taluk, Tiruvallur District, namely, (i) 1 acre 46 cents comprised in Survey No.178/8 and 53 cents comprised in Survey No.179/3A purchased from Thangavel and another by a sale deed dated 15.7.81 registered as Document No.1796 of 1981 in the office of Sub Registrar, Tiruvottiyur; (ii) 1 acre 4 cents comprised in Survey No.177/2 purchased from Sengappa Naicker and 3 others by a sale deed dated 22.6.81 registered as Document No.1522 of 1981 in the office of Sub Registrar, Tiruvottiyur; (iii) 1 acre 5 cents comprised in Survey No.177/2D purchased from Rukmani Ammal by a sale deed dated 20.5.82 registered as Document No.1365 of 1982 in the office of Sub Registrar, Tiruvottiyur. Similarly, the first petitioner is also owning large extent of lands in Vichur Village, Ponneri Taluk, Tiruvallur, namely, (i) 26 cents comprised in Survey No.178/1 and 31 cents comprised in Survey No.178/5 purchased from Pachai and 3 others by a sale deed dated 4.3.75 registered as Document No.333 of 1975 in the office of Sub Registrar, Tiruvottiyur; (ii) 51 cents comprised in Survey No.178/3 and 6 cents comprised in Survey No.178/7 purchased from Nainesamy and 5 others by a sale deed dated 30.4.75 registered as Document No.747 of 1975 in the office of Sub Registrar, Tiruvottiyur; (iii) 22 cents comprised in Survey No.178/2, 27 cents comprised in Survey No.178/4 and 7 cents comprised in Survey No.178/6 purchased from Naiyeni Swamy and 3 others by a sale deed dated 30.4.75 registered as Document No.756 of 1975 in the office of Sub Registrar, Tiruvottiyur. According to the petitioners, pattas, chitta, adangal and 'A' register were also issued in the name of late Kadirvel Naicker/Saroja Ammal for an extent of 4.08 acres bearing patta No.96 in respect of the lands in Survey Nos.177/2, 177/2D, 178/8 and 179/3A by the Assistant Tahsildar, Ponneri. Similarly, pattas, chitta, adangal and 'A' register were also issued in the name of Saroja Ammal for an extent of 1.7 acres bearing patta No.184 in respect of the lands in Survey Nos.178/1, 178/2, 178/3, 178/4, 178/5, 178/6 and 178/7 by the Zonal Assistant Tahsildar, Ponneri. In support of the claim of the petitioners, the learned counsel also drew the attention of this Court to a proceeding issued by the Tahsildar, Ponneri stating that the lands situate at Vichur village in Survey Nos.178/1, 178/2, 178/3, 178/4, 178/5, 178/6, 178/7, 178/8 are in the name of the first petitioner and also in her husband's name. While so, all of a sudden, all these lands have been alienated. However, the learned counsel for the petitioners fairly submitted that the petitioners have not given any criminal complaint.

2. In that view of the matter, when the petitioners have carelessly filed the writ petition without even resorting to the available remedy of registering a criminal complaint against the persons against whom they have got grievance that their lands have been alienated, this Court is not inclined to

entertain the writ petition. Accordingly, the writ petition stands dismissed in limine. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

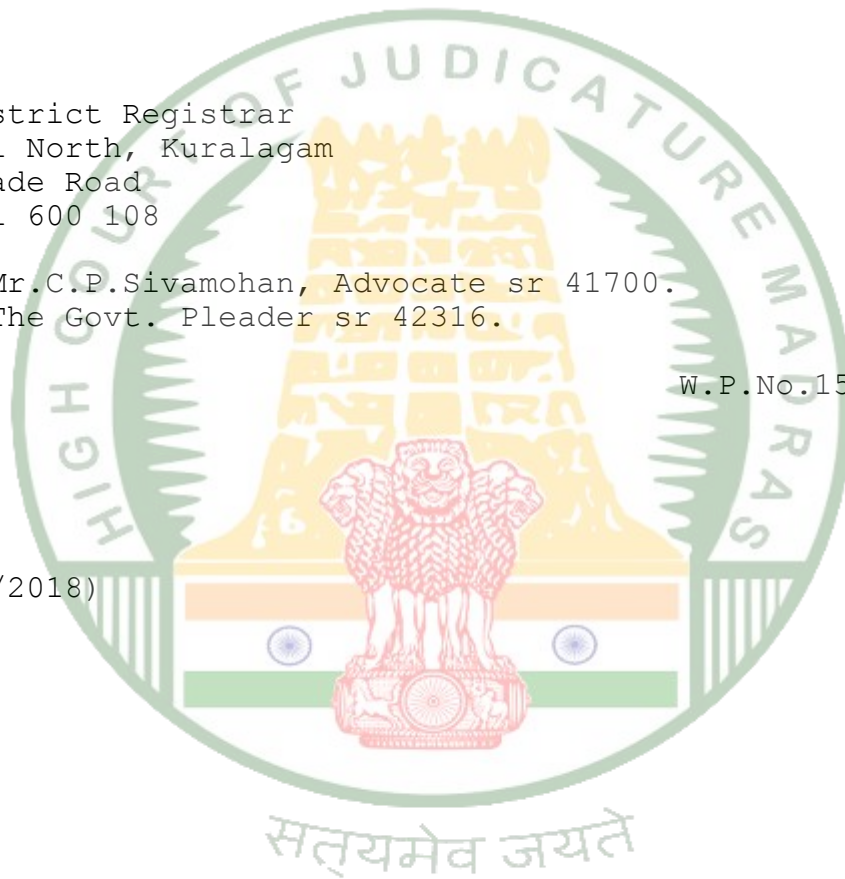
SS
To

1. The District Registrar
Chennai North, Kuralagam
Esplanade Road
Chennai 600 108

+1 CC to Mr.C.P.Sivamohan, Advocate sr 41700.
+1 CC to The Govt. Pleader sr 42316.

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GSP (09/07/2018)



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