



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2018

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THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

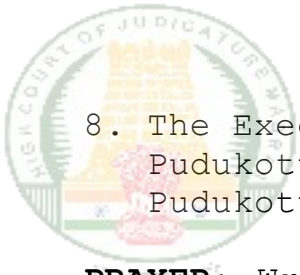
W.P. (MD) No.13256 of 2018
and
W.M.P. (MD) No.12089 of 2018

Rathna Garden Residence
Welfare Association,
represented by its President,
S.Selvaraj
S/o.Savarimuthu,
73/33, Rathna Garden,
Viralimalai Post and Taluk,
Pudukottai District.

...Petitioner

Vs.

1. The District Collector,
Pudukottai District.
2. The District Registrar,
Pudukottai.
3. The Tahsildar,
Kulathur,
Pudukottai District.
4. The Tahsildar,
Viralimalai Post and Taluk,
Pudukottai District.
5. The Sub Treasury Officer,
Keeranur,
Kulathur Taluk,
Pudukottai District.
6. The Sub Treasury Officer,
Illupur Post and Taluk,
Pudukottai District.
7. The Sub Registrar,
Viralimalai Post and Taluk,
Pudukottai District.



8. The Executive Officer,
Pudukottai Devasthanam,
Pudukottai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the seventh respondent to ensure that the documents presented for registration with regard to S.F.No.26/1 of Viralimalai Village & Taluk, Pudukottai District and register and release the same at once.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1, R3 to R6	: Mr.V.Anand Government Advocate
For R2 & R7	: Mr.M.Murugan Government Advocate
For R8	: Mr.G.Madhavan

O R D E R

The petitioner claims to be a welfare association.

2.The grievance of the petitioner is that whenever its members presented any document of conveyance before the seventh respondent, the same is not being registered. Hence, the present writ petition has been filed seeking for a general direction to the seventh respondent to register and release any document of conveyance presented before him by the members of the association.

3.In my view, the prayer in this writ petition is not maintainable by the association. There could be various reasons for which a document can be refused or rectifications being sought for. Whenever such refusal or query is raised to an individual, cause of action for the concerned aggrieved person would arise and it would be for that aggrieved person to challenge the same.

4.The prayer as such is omnibus in nature, in the absence of any specific cause of action and in the absence of the aggrieved person approaching this Court, the prayer in the writ petition is not maintainable.

5.Further more, the writ petition is also liable to be dismissed on the ground that it is premature. As on date, there is no pleading to the effect that the seventh respondent herein had refused any specific document or kept pending. As such no cause of action had arisen to the petitioner herein for filing the present writ petition.

6.For all the foregoing reasons, I do not find any merit in the present writ petition. Accordingly, this writ petition is dismissed as not maintainable.



7.It is needless to point out that whenever any document is refused or kept pending, it is always open to the aggrieved person, who is the party to the document to workout his remedy in accordance with law.

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Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukottai District.
2. The District Registrar,
Pudukottai.
3. The Tahsildar,
Kulathur,
Pudukottai District.
4. The Tahsildar,
Viralimalai Post and Taluk,
Pudukottai District.
5. The Sub Treasury Officer,
Keeranur,
Kulathur Taluk,
Pudukottai District.
6. The Sub Treasury Officer,
Illupur Post and Taluk,
Pudukottai District.
7. The Sub Registrar,
Viralimalai Post and Taluk,
Pudukottai District.

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No.71655

+1cc to Mr.G.Madhavan, Advocate Sr.No.71328

+1cc to Spl.Government Pleader Sr.No.71538

MM

VB/PN/SAR1/12.07.2018/3P/11C

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