



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

CORAM

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN**W.P.[MD]No.16439 of 2018**

Minor. A.Palaniammal,
Represented by her Guardian,
M.Pechiappan,
S/o.Muniandi,
1455 C, South Malaiyadipatti,
Rajapalayam,
Virudhunagar District.

: Petitioner

Vs.

1.The District Registrar,
Department of Registration,
O/o. District Registrar Office,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
O/o. Sub Registrar Office,
Srivilliputhur,
Virudhunagar District.

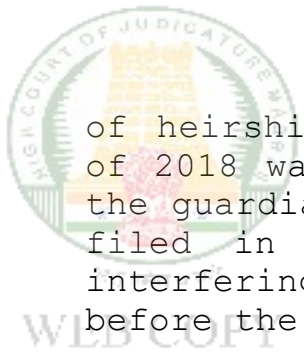
: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner representation dated 16.06.2018 within a stipulated time fixed by this Court.

For Petitioner : Mr.T.Indrachithu
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

The petitioner has filed the present writ petition on behalf of one minor Palaniammal, claiming himself as the guardian of the said minor. However, according to the petitioner, one Mariammal of Rajapalayam who has no connection with his brother's family had created a bogus document in respect of the property purchased by his deceased brother Annadurai and attempted to grab the property. Therefore, a suit was filed in O.S.No.27 of 2018, for declaration



of heirship of his deceased brother. Subsequently, G.W.O.P.No.11 of 2018 was filed under Guardian Wards Act, for declaring him as the guardian of the minor Palaniammal. Another suit has also been filed in O.S.No.126 of 2018, for restraining Mariammal from interfering with the property. The suits and O.P. are all pending before the respective Courts.

2.In the meanwhile, the petitioner has approached this Court with the present writ petition seeking a writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 16.06.2018.

3.This Court is unable to appreciate as to how a direction can be issued to dispose of the representation addressed to the second respondent. If according to the petitioner any fraudulent transaction has taken place, the proper course is to approach the competent civil Court to challenge the sale deed or any document which has been registered and have the same set aside. But it is not open to the petitioner to submit a representation, since the second respondent is not competent to cancel any document registered before him.

4.When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents would submit that the document has already been presented in regard to the subject property and the same has been registered.

5.In view of the above submission, in case the petitioner is aggrieved over the registration of the document, it is open to the petitioner to approach the civil Court and seek appropriate remedy. But, it is not certainly open to the petitioner to invoke Article 226 of the Constitution of India and approach this Court.

6.For the above said reasons, this Court feels that the Writ Petition is not maintainable. The same stands dismissed, accordingly. No costs.

Sd/-

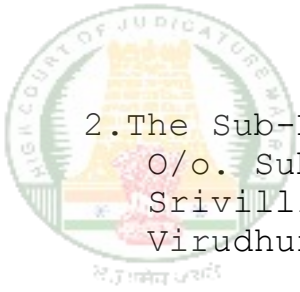
Assistant Registrar (Cr1.Side)

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Sub Assistant Registrar(CS-III)

To

1.The District Registrar,
Department of Registration,
O/o. District Registrar Office,
Virudhunagar District,
Virudhunagar.



2.The Sub-Registrar,
O/o. Sub Registrar Office,
Srivilliputhur,
Virudhunagar District.

+2cc to Mr.T.Indrachithu, Advocate, Sr.Nos.92529 & 92392.
+1cc to Special Government Pleader Sr.No.92599.

ORDER MADE IN
W.P.[MD]No.16439 of 2018
26.10.2018

mr

RAM-NM/SV/SAR 3/05.12.2018/3P/6C