



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No.22212 of 2018

A.BalaMurugan

... Petitioner

vs.

1. The District Registrar
Kaniyakumari District
O/o.The District Registrar
Nagarcoil
Kanyakumari District

2. The Sub Registrar
O/o.Sub Registrar
Kachcheri Road
Kottaram
Kanyakumari District

3. C.Narayana Nadar

4. N.Kamalam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the Respondents from registering any document of alienation of property pertaining to the Survey Nos.993/9, 993/10 in Anjugramam Revenue Village, Agatheswaram Taluk, Kaniyakumari District, since the family is divided within, the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Murugan

Government Advocate (Civil Side) for R1 & R2

O R D E R

The relief, as sought in this writ petition, is purely civil dispute between the petitioner and the respondents 3 and 4. According to the petitioner, he is owner of certain properties, comprised in Survey Nos.993/9 and 993/10 of Anjugramam Revenue Village, Agatheeswaram Taluk, Kaniyakumari District. These properties originally belonged to petitioner's family for several years and were given to the petitioner and his brother, through a family settlement deed registered on 15.10.2013. According to the



petitioner, the younger brother of his father is trying to alienate the properties in favour of some other persons for consideration without his knowledge and his brother and therefore, the petitioner is before this Court seeking issuance of a writ of mandamus.

WEB COPY

2. This Court is unable to appreciate as to how such a dispute can be brought within the ambit of Article 226 of the Constitution of India. In case the properties, which belong to the petitioner, are being sought to be alienated by any other persons, who have no vested interest over the properties, it is always open to the petitioner to approach the competent Civil Court and injunct the persons from alienating the properties belonging to him. It is certainly not open to the petitioner to approach this Court and seek issuance of a writ of mandamus. Further, from the nature of the pleadings and the documents as disclosed, there cannot be two opinions about the fact that the relight, as sought by the petitioner, is purely civil in nature and which cannot be adjudicated in the writ jurisdiction.

3. For the above said reasons, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The District Registrar,
Kanyakumari District,
O/o.The District Registrar,
Nagarcoil,
Kanyakumari District.

2. The Sub Registrar,
O/o.Sub Registrar,
Kachcheri Road,
Kottaram,
Kanyakumari District.

+ 1 CC TO Mr.S.LOUIS, ADVOCATE IN SR No. 93385
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 93635

KRKT

TE/SV/SAR-2 : 23/11/2018 : 2P/5C

W.P. (MD) No.22212 of 2018
31.10.2018