



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.06.2019**

CORAM

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.13241 of 2019

V.Ilamaran

...Petitioner

-Vs-

1. The District Registrar,
Office of the District Registrar,
Pattukottai Registration District,
Aranthanki Road Mukkam,
Pattukottai,
Thanjavur District.

2. The Sub Registrar,
Pattukottai Sub Registration Office,
Pattukottai,
Thanjavur District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to take appropriate action as against the 2nd respondent for having registered the illegal sale deed vide Document No.437 dated 14.03.2018 on the basis of the petitioner's representation dated 28.03.2019 made to the 1st respondent herein.

For Petitioner : Mr.K.Kannan
For Respondents : Mr.M.Murugan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to take appropriate action as against the 2nd respondent for having registered the illegal sale deed vide Document No.437 dated 14.03.2018 on the basis of the petitioner's representation dated 28.03.2019 made to the 1st respondent herein.

2.Heard Mr.K.Kannan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner seeks for indulgence of this Court by way of a mandamus to take action against the 2nd respondent for the alleged illegal action on his part, which according to the learned counsel for the petitioner



that he has registered a sale deed as Document No.437 dated 14.03.2018 and therefore, pursuant to such illegal act allegedly committed by the 2nd respondent, he seeks indulgence of this Court with the above said prayer.

4. I am afraid to entertain this kind of prayer for mandamus for the simple reason that, there has been no cause of action to seek for such indulgence by invoking Article 226 of the Constitution of India as whether the registration of a document dated 14.03.2018 is an illegal document or not has to be first ascertained. For such exercise, the petitioner should have approached the competent Civil Court and sought for appropriate remedy. Without resorting to the same, on his own, assuming a particular action is illegal, the petitioner has approached this Court seeking a writ of mandamus invoking Article 226 of the Constitution of India, which is absolutely unjust.

5. In view of that matter, this Court is not inclined to entertain this writ petition as the same is well deserved to be dismissed. Accordingly, the same is dismissed. However, the learned counsel appearing for the petitioner seeks liberty to approach the Civil Court. Such liberty is always available with the petitioner and the same need not be conferred on the petitioner by this Court.

6. With this observation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Registrar,
Office of the District Registrar,
Pattukottai Registration District,
Aranthanki Road Mukkam,
Pattukottai,
Thanjavur District.

2. The Sub Registrar,
Pattukottai Sub Registration Office,
Pattukottai,
Thanjavur District.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.68470

+1cc to M/S.K.Kannan, Advocate, Sr.No. 68619



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