

In the High Court of Judicature at Madras

Dated : 12.2.2020

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.31064 of 2017 &
WMP.Nos.34067 of 2017 & 34125 of 2019

1.Mrs.Leelavathi
2.M.Pushpanathan
3.A.K.Krishna
4.Mrs.Maragathavalli
5.Mrs.Thatchayini
6.Mrs.ThulasiPetitioners

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai-28.
2.The Sub-Registrar, Thiruvottiyur,
Chennai-19.
3.The Special Tahsildar, Poonthottam
Road, Thiruvottiyur, Chennai-19.
4.C.M.Peranantham (deceased)@ Ananthampillai
5.P.Saraswathy
(R4 & R5 were impleaded as per order dated
04.10.2019 in WMP.No.20319 of 2018 by TRJ)
6.The Revenue Divisional Officer,
previously at Ambattur now at Tondiarpet,
Chennai-81.
(R6 impleaded as per order dated 04.11.2019
in WMP.No.6696 of 2019 by TRJ)Respondents

7.P.Devaraj
8.P.Vinayagam
9.P.Shankar
10.P.Mageshwari
11.P.Parameshwari
12.P.Chamundeswari ...Proposed respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus direction to consider the petitioners' representation dated 06.10.2017 and forbear respondents 1 and 2 from registering the property bearing Door No.830, comprised in Survey No. 237/127 (Part), 94 (Part), Thiruvottiyur Village, Block No.12, Ward No.1, T.S.No.9, Thiruvottiyur High Road, Thiruvottiyur, Chennai in favour of third parties by any deed or documents executed by any third person pending disposal of the enquiry with regard to the issuance of patta bearing No.116 which is now pending before the third respondent.

For Petitioners : Mr.M.Aravind Subramaniam

For Respondents

1 to 3 & 6 : Mr.P.P.Purushothaman, GA

For Respondents

4 & 5: Mr.Sundar Narayan

For Proposed

respondents : No appearance

ORDER

I have heard Mr.Aravind Subramaniam, learned counsel for the petitioners, Mr.P.P.Purushothaman, learned Government Advocate appearing for respondents 1 to 3 and 6 and Mr.Sundar Narayan, learned counsel appearing for respondents 4 and 5. The fourth respondent is no more and his legal heirs were sought to be impleaded as respondents 7 to 12. Though notices were sent to them and some of their names are printed in the cause list, none appears for the proposed parties.

2. The learned counsel for the petitioners submits that all that the petitioners seek is for an enquiry into the aspect as to how the patta, which stood in the name of one late Mr.K.Meganathan - father of petitioners 2 to 6, stood transferred in the name of the deceased fourth respondent - Mr.C.M. Peranantham and that too, without notice to the petitioners.

3. The learned Government Advocate points out from the copy of the letter given by the Special Tahsildar, Town Settlement in RC.155/2016 dated 14.7.2017 that the said late Mr.K.Meganathan's brother - one Mr.K.Duraivelu participated in the enquiry and a report has been drawn. To that effect, a counter affidavit has been filed by the Special Tahsildar.

4. Before this Court, the learned counsel for the petitioners seeks to direct an enquiry to be conducted with regard to transfer of patta. However, the prayer sought for in the writ petition is for a direction to restrain respondents 1 and 2 from registering any document in respect of the property in question. Such a relief cannot be granted in a writ petition. Furthermore, there is no relief sought for as against the third respondent. Hence, no direction can be issued in this writ petition.

5. Accordingly, the writ petition is closed giving liberty to the petitioners to approach the concerned Authority for any relief that they may seek and if such a request is made, the Competent Authority shall consider the same in accordance with law. No costs. Consequently, the connected WMPs are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai-28.
- 2.The Sub-Registrar,
Thiruvottiyur, Chennai-19.
- 3.The Special Tahsildar,
Poonthottam Road, Thiruvottiyur,
Chennai-19.
- 4.The Revenue Divisional Officer,
previously at Ambattur now at Tondiarpet,
Chennai-81.

+1cc to Mr.M.Aravind Subramaniam, Advocate, S.R.No.11770
+1cc to the Government Pleader, S.R.No.12422

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WMP.Nos.34067 of 2017
& 34125 of 2019

PVS (CO)
CB(16/07/2020)