



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

WMP (MD) No. 2421 of 2021

in

WP (MD) SR.No. 7302 of 2021

and

WP (MD) SR.No. 7302 of 2021

WEB COPY

1.S.Pitchai

2.P.Murugeshwari

.. Petitioners

Vs

1.The District Registrar,
District Registrar Office,
Butlagundu Road,
Periyakulam,
Theni District.

2.The Sub Registrar,
Sub Registrar Office,
Cumbum,
Theni District.

3.S.Murugesan

4.M.Jeyakumar

5.K.Jegathesan

6.K.B.Elangkannan

7.R.Ilamparithi

8.A.K.N.Vaijeyanthimala

... Respondents

PRAYER in W.M.P(MD)No.2421 of 2021: Petition filed, under Rule 2B of the Appellate Side Rules to regulate the proceedings under Article 226 of the Constitution of India to permit the petitioners herein to join together and file a single writ petition.

PRAYER in W.P(MD)SR.No.7302 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, directing the respondents to declare the deeds as null and void in comprising of i) sale deed No.764/2005, ii) Power Deed No.615/IV-2007, iii) Sale Deed No.2936/2008, iv) sale deed No.2937/2008, v) sale agreement No.4345/2007, vi) sale deed



No.3515/2010 and vii) power deed No.936/2010-Book IV on the basis of the petitioner's representation dated 07.01.2021 within stipulated time fixed by this Hon'ble Court.

For Petitioners : Mr.K.Gokul

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ORDER

The case of the petitioners is that they had obtained an agricultural loan from the State Bank of India, ADB Cumbum Branch, by mortgaging their agricultural properties. A notice was issued to the petitioners by the Debt Recovery Tribunal, Madurai, for recovery of balance due amount of Rs.19,38,630/- with interest. According to the petitioners, there was One Time Settlement (OTS) offer by the bank and it was agreed by the petitioners and the loan amount was discharged. According to them, the entire loan amount has been settled and the respondents 3 to 8 are the parties in the proceedings in O.A.No.1312 of 2015. According to the petitioners, some documents were fraudulently registered after committing forgery. The petitioners list out the documents in paragraph No.15 of the affidavit filed in support of this writ petition.

2. Being aggrieved by the fraudulent registration of the documents and the act of forgery at the instance of the private respondents, the petitioners now are before this Court seeking a direction to the respondents 1 and 2 to declare among others the deeds as null and void in respect of the following transactions:-

i) sale deed No.764/2005, ii) power deed No.615/IV-2007, iii) sale deed No.2936/2008, iv) sale deed No.2937/2008, v) sale agreement No.4345/2007, vi) sale deed no.3515/2010 and vii) power deed No.936/2010-Book IV.

3. The averments in the affidavit are completely jumbled up and disjointed and this Court is unable to make out any legal sense in order to comprehend what is the specific case of the petitioners before this Court. Further, it appears that the petitioners are being aggrieved by certain fraudulent registration of documents, which are incidentally mentioned in some places in the affidavit, for which, proper course for the petitioners is to approach the civil Court or to make an application before the competent authority. It is certainly not open to the petitioners to seek issuance of writ of mandamus, directing the respondents 1 and 2 to declare certain transactions (Deeds) as null and void.

4. This Court is certainly not inclined to give any direction on the basis of sketchy and bald averments as the petitioners have not come up with a coherent case for grant of any relief for this Court to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.



5.The writ miscellaneous petition therefore stands dismissed. However, it is open to the petitioners to workout their remedy in a manner known to law. Consequently, connected W.P.(MD)SR No.7302 of 2021 stands rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The District Registrar,
District Registrar Office,
Butlagundu Road,
Periyakulam,
Theni District.

2.The Sub Registrar,
Sub Registrar Office,
Cumbum,
Theni District.

+1 CC to Mr.K.GOKUL, Advocate SR.No. 6301

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KMV(CO)

TR(16.04.2021) 3P 4C