



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.19409 of 2021

WEB COPY

Karuppayee Ammal

... Petitioner

Vs.

- 1.The District Collector,
Madurai District.
- 2.The Block Development Officer,
Madurai North Taluk,
Madurai District.
- 3.The Tahsildar,
Madurai North Taluk,
Madurai District,
The District Registrar,
Madurai District.
- 4.The President,
Kannikudi Village,
Aalathur,
Madurai District.
- 5.The Sub Registrar,
Y.Othakadai Sub Registrar Office,
Combined Registration Office,
Y.Othakadai,
Madurai - 625 107.
- 6.Janaki
- 7.Sivasundaram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent no.1 to 5 to consider the petitioner's representation dated 12.10.2021 within a stipulated time period in accordance with law.

For Petitioner	:	Mr.M.Iniyavan
For R-1 to R-3 and R-5	:	Mr.N.Satheesh Kumar, Additional Government Pleader.
For R-4	:	Mr.M.Lingadurai, Special Government Pleader.
For R-6 and R-7	:	Mr.T.S.R.Venkatramana



ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents 1 to 5 to consider the petitioner's representation dated 12.10.2021.

2. Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice for respondents 1 to 3 and 5, Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the fourth respondent and Mr.T.S.R.Venkatramana, learned counsel, takes notice for the sixth and seventh respondents.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the property in Survey Nos.28/10 and 8/5 at Aalathur Village, Madurai North Taluk, Madurai District are ancestral properties and the properties in Survey Nos.63/6, 48/9, 16/4, 17/4, 101/3 at Aalathur Village and the properties in Survey Nos.9/4, 10/5 and 26/3 at Kannikudi Village had been possessed by the forefathers of the petitioner as cultivating tenants. These are issues which can never be examined, determined or a finding can never be given by this Court.

4. It is brought to my notice that in S.A.(MD).No.318 of 2007, which had incidentally come before me, by a judgment dated 18.09.2018, and after examining all the issues, a judgment adverse to the interest of the petitioner had also been passed. There was no recognition of the claim that she was entitled to the property.

5. Now the petitioner claims that she is a cultivating tenant. As a matter of fact, she is not a direct tenant. She claims that her forefathers were cultivating tenants. Irrespective of all these facts, a direction can never be given to the respondents not to register any document if it is lawfully presented for registration with appropriate stamp duty and with necessary registration fees. However, it is stated that the respondents 6 and 7 had now purchased the property.

6. Directions as stated by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Madurai District.
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Madurai District.
- 3.The Tahsildar,
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Madurai District,
The District Registrar,
Madurai District.
- 4.The President,
Kannikudi Village,
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- 5.The Sub Registrar,
Y.Othakadai Sub Registrar Office,
Combined Registration Office,
Y.Othakadai, Madurai - 625 107.

+1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate (SR-39834[F] dated 21/12/2021)

+1 CC to M/s.SPL GP (SR-40246[F] dated 23/12/2021)

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21.12.2021

KM(CO)
SB(10.01.2022) 3P 8C