



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.21516 of 2021

M.Sornalakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tirunelveli Revenue Sub Division,
Tirunelveli,
Tirunelveli District.

2.The District Registrar,
Department of Registration,
Tenkasi Division,
Tenkasi, Tenkasi District.

3.The Tahsildar,
Manur Sub Division,
Manur,
Tirunelveli District.

4.The Sub Registrar,
Department of Registration,
Alangulam,
Tenkasi District.

5.The Superintendent of Police,
District Police Head Quarters,
Palayamkottai,
Tirunelveli,
Tirunelveli District.

6.Vijikoma

7.S.Petchi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 more particularly the second

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respondent to consider the petitioner's representation dated 15.07.2021 and conduct an enquiry forthwith with regard to creating a fake and false document from a disabled and mentally retarded person having no competency to execute and cancel the same forthwith.

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For Petitioner: Mr. S.Palani Velayutham
For R1 to R5 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This petition has been filed in the nature of Writ of Mandamus, seeking direction to the respondents 1 to 5, particularly, the second respondent / Deputy Registrar, Department of Registration, Tenkasi District, to consider a representation of the petitioner dated 15.07.2021.

2.The petitioner's late husband's brother's son, one Chokkalinga Pandian is said to be a person afflicted with mental decease. There are no records produced by the petitioner to establish that particular fact. It is also stated that Chokkalinga Pandian was taken over to the Sub Registrar Office in the year 2004 and a sale deed had been executed, as if he had executed the sale deed. This event took place in the year 2004. There has been no complaint regarding the registration. Today, the property has been further transferred by way of yet another document. The petitioner seeks all those documents to be interfered with.

3.The fact that the petitioner is either directly or indirectly a relative to the Chokkalinga Pandian, should be established by producing evidence. The further fact that Chokkalinga Pandian suffered from mental illness, can be done only by analyzing documents and evidence adduced in Court, necessarily in the presence of those persons who are alleged to have taken him to the Sub Registrar Office. These facts can be decided only in a civil suit. Exercising writ jurisdiction, certainly, this Court can never grant such reliefs and assume that a person was mentally affected. It will be extremely inappropriate on the part of this Court, to come to such a conclusion without any materials on record.

4. The petitioner has to establish the facts alleged. The petitioner will also have to explain the delay in not taking up the issue from the year 2004. The facts are stated after the death of Chokkalinga Pandian. These are facts which should have been brought to light when he was alive. Then he could have been subjected to medical examination. After his death, such a plea is pleaded which indicates that the petitioner is taking advantage of



5. With these observations, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Revenue Divisional Officer,
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Tirunelveli,
Tirunelveli District.

2. The District Registrar,
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Tenkasi, Tenkasi District.

3. The Tahsildar,
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4. The Sub Registrar,
Department of Registration,
Alangulam, Tenkasi District.

5. The Superintendent of Police,
District Police Head Quarters,
Palayamkottai, Tirunelveli,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-37910[F] dated 09/12/2021)

W. P (MD) No. 21516 of 2021
07.12.2021