



W.P.(MD)No.802 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.802 of 2022

Rajeshkumar

... Petitioner

Vs

1.The Registrar General,
Registrar General Office,
100, Santhome High Road,
Chennai-600 122.

2.The District Registrar,
District Registration Office,
Madurai Road,
Periyakulam,
Theni District.

3.The Sub Registrar,
Sub Registrar Office,
Near New Bus Stand,
Theni, Theni District.

4.Ramamoorthy

5.Vijaya

6.Muthulakshmi

7.Mani

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to cancel the deed in Nos.8400/2008 dated 17.11.2008 in survey No.37/9, 37/9B, 37/9A, total extent of 1 acre 64 cents situated at Oonchampatti Village, Theni Sub Division, Periyakulam Registration District, Theni District based on the petitioner's representation dated 12.07.2021.

For Petitioner : Mr.S.Muniyandi
For R1 to R3 : Mr.J.K.Jayaseelan
Government Advocate
For R4 : No appearance
For R5 & R6 : Mr.N.Dilip Kumar

ORDER

Heard the learned counsel on either side.

2. The prayer in the writ petitioner is for cancelling the document executed by the fourth respondent in favour of the seventh respondent.

3. The case of the petitioner is that even though the fourth respondent purchased only 1 acre and 56 cents, he had chosen to give power of attorney in favour of the seventh respondent for an extent measuring 1 acre and 64 cents. According to the writ petitioner, since this illegality will have to be set right, he gave a representation before the second respondent. Since it was not acted upon, the present writ petition came to be filed.



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4. When the matter was taken up for hearing, it was convincingly demonstrated before me that the writ petitioner is having lands only in Survey No.37/9B, whereas the fourth respondent claims right only in Survey No. 37/9A. I am more than satisfied that the writ petitioner's right has not been infringed in any manner. The writ petition can be entertained only at the instance of a person whose rights have been affected. The writ petitioner's right has not been affected. The question of granting relief does not arise at all. I have only decided the maintainability of the writ petition. All the rights and remedies of the writ petitioner are left open.

5. The Writ Petition stands dismissed. No costs.

12.08.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The Registrar General,
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2.The District Registrar,
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3.The Sub Registrar,
Sub Registrar Office,
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