



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4451 of 2022

S.Paramasiva Thevar

... Petitioner

/Vs./

1. The District Registrar,  
District Registrar Office,  
Palayamkottai,  
Kokkirakulam,  
Tirunelvelik District.

2. The Sub Registrar,  
Murappa Nadu Sub Registrar Office,  
Murappa Nadu,  
Srivaikundam Taluk,  
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to direct for no further registration on the basis of the forged documents on the basis of the representation dated 25.06.2021.

For Petitioner : Mr.B.Char Murugan

For Respondents : Mr.J.John Rajadurai  
Government Advocate

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the respondents not to register any further documents, on the basis of the petitioner's representation dated 25.06.2021 pertaining to the property mentioned in the said representation and pass orders within a time frame to be fixed by this Court.

2.The case of the petitioner is that his ancestor had purchased the properties comprised in S.No.121/11, 124, 125 and 126/1 at Manakkarai Village, Srivaikundam Taluk, Thoothukudi District in the years 1931 and 1932, through the sale deed bearing Registration Nos.377/1931 and 723/1932. According to the petitioner, his descendents and his ancestor, who had purchased the properties are



continuously in possession and enjoyment of the subject properties till date.

3.However, according to the petitioner, one Mr.Chidambara Thevar, S/o.Subaiah Thevar has fraudulently created and registered documents bearing Document Nos.1232/2009, 1233/2009 and 2077/2009 for the very same properties. In such circumstances, the petitioner has given a representation on 25.06.2021 to the respondents calling upon them to cancel the aforementioned documents standing in the name of Mr.Chidambara Thevar. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.B.Char Murugan, learned Counsel for the writ petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents.

5.The learned Government Advocate appearing for the respondents, on instructions, would submit that the relief sought for in the representation dated 25.06.2021 submitted by the petitioner can be granted only by a competent Civil Court as documents sought to be cancelled pertain to the year 2009. Further, he would submit that only after letting in oral and documentary evidence, the relief sought for by the petitioner in his representation dated 25.06.2021 can be granted.

6.Admittedly, the documents which are required to be cancelled by the petitioner is of the year 2009 and they are three in number having registered as Document Nos.1232/2009, 1233/2009 and 2077/2009. It is the contention of the petitioner that fraudulently Mr.Chidambara Thevar has got the documents registered in his name in the year 2009, though the subject properties belong to the petitioner and his family members.

7.In the affidavit filed in support of this writ petition, no reasons had been given as to why there is an inordinate delay in seeking for cancellation of the registered documents of the year 2009. The allegations levelled by the petitioner can only be adjudicated by a competent civil Court as it requires oral and documentary evidence. The petitioner has also not made Mr.Chidambara Thevar in whose name presently the documents stand as a party to this writ petition.

8.Therefore, this Court is of the considered view that in view of the nature of allegations levelled by the petitioner against Mr.Chidambara Thevar and in view of the inordinate delay on the part of the petitioner in giving a representation to the respondents seeking for cancellation of the aforementioned documents, the same can be adjudicated only by a competent Civil Court.



9. For the foregoing reasons, this Writ Petition is disposed of by granting liberty to the petitioner to approach the competent Civil Court for the relief sought for in his representation dated 25.06.2021 to the respondents. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Registrar,  
District Registrar Office,  
Palayamkottai,  
Kokkirakulam,  
Tirunelvelik District.
2. The Sub Registrar,  
Murappa Nadu Sub Registrar Office,  
Murappa Nadu,  
Srivaikundam Taluk,  
Tuticorin District.

+1 CC to M/s.B.CHAR MURUGAN, Advocate (SR-11855[F] dated 14/03/2022 )

+1 CC to M/s.SPL GP ( SR-12146[F] dated 15/03/2022 )

**W.P. [MD]No.4451 of 2022**

Dated: **14.03.2022**

RK(30/03/2022) 3P 5C