



W.P(MD).No.7692 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.7692 of 2021

P.Jeyamani

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District.
2. The Inspector General of Registration,
Registration Department Office,
100, Santhome High Road,
Pattinapakkam, Chennai-28.
3. The Deputy Inspector General of Registration,
Deputy Inspector General of Registration Office,
Companied Registration Office Campus,
Saint Mark Road, Pallayakottai,
Thirunelveli.
4. The District Registrar,
District Registration Office,
Thoothukudi.



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- 5.The Revenue Divisional Officer,
District Collector Office Campus,
Thoothukudi District.
- 6.The Superintendent of Police,
Thoothukudi District.
- 7.The Inspector of Police,
Pudur Police Station,
Villathikullam Taluk,
Thoothukudi District.
- 8.The Thasildar,
Thasildar Office,
Vilathikullam,
Thoothukudi District.
- 9.The Village Administration Officer,
Villathikullam,
Thoothukudi District.
- 10.The Sub-Registrar,
Pudur,
Villathikullam Taluk,
Thoothukudi District.
- 11.S.Marimuthu
- 12.Pon Sumathi
- 13.Pon Sangeetha

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 7 to take necessary action against the respondents 8 to 13 based on the petitioner representation and relevant documents dated 02.03.2021.

For Petitioner : Mr.J.Imran Khan

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R1 to R10
Mr.G.Thalaimutharasu for R11
No-appearance for R12 and R13

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents.

2.Respondent No.11 is said to have passed away.



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3.The case of the petitioner is that she purchased the subject property vide sale deed 17.10.2008 and that she obtained patta in the year 2009. However, the private respondents herein had fraudulently obtained a document in their names. The respondents 12 & 13 filed O.S.No.64 of 2010 on the file of the II Additional District Court, Thoothukudi for partition and the suit schedule included the property purchased by the petitioner. The petitioner was shown as the third defendant. The petitioner also examined herself as DW.2. The suit was dismissed by judgment and decree dated 21.12.2012. According to the petitioner, an adangal was forged and based on the same, the tenth respondent registered the settlement deed executed by the 11th respondent in favour of his second wife Mariammal. The said Mariammal is none other than the mother of the first plaintiff in O.S No.64/2010. Setting out all these allegations, the petitioner gave a representation on 02.03.2021. The petitioner wants the respondents 1 to 7 to take action against respondents 8 to 13 based on the same. Since his representation did not evoke response, the present writ petition came to be filed.



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4.The learned counsel appearing for the petitioner took me through the averments set out in the affidavit filed in support of the writ petition and also the materials enclosed in the typed set of papers. He called upon this Court to issue the writ of mandamus as prayed for.

5.I am not persuaded by the submissions made by the learned counsel for the writ petition. This is for more than one reason. It has been held time and again that an applicant should not rush to the writ court for consideration of his representation. The representation was sent on 02.03.2021. It was received on 03.03.2021. The writ petition was filed on 31.03.2021. Such a practice has to be discouraged. The petitioner cannot take advantage of the fact that the writ petition was taken up for disposal only in August 2022. The date of sending representation and the date of filing the writ petition alone are material.



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6.The learned Additional Government Pleader has pointed out that questioning the judgment and decree passed by the trial court A.S (MD)No.141 of 2016 has been filed before this Court and it is still pending. Therefore, the petitioner has to work out her rights in the pending appeal. She cannot place reliance on the decision of the trial court for the purpose of launching a criminal prosecution.

7.Of course, an issue may have a civil dimension and a criminal profile. Both remedies can be pursued by the aggrieved party. It is seen from the status report filed by the seventh respondent that the petitioner's husband filed CrI OP(MD)No.13358 of 2018 for directing the respondent police to register an FIR on his complaint dated 01.03.2018 (CSR No.17 of 2018). The said O.P was disposed of by relegating him to workout his remedy available under Cr.PC. When the petitioner's husband was not successful in invoking jurisdiction under Section 482 of Cr.Pc, the petitioner cannot hope to succeed under Article 226 of the Constitution of India.



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8.The first respondent is the head of the district administration. R2 to R4 are authorities under the Registration Act. R5 is the revenue official. R6 and R7 are police authorities. The petitioner wants all this authorities to take action against R8 to R13. Such clubbing of various authorities in a single writ petition is misconceived. The writ petition stands dismissed.

03.08.2022

Index : Yes / No
Speaking Order : Yes / No
ssb

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G.R.SWAMINATHAN, J.

ssb/skm

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