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W.P.(MD)NO.9800 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9800 of 2019 and
W.M.P.(MD)No.7682 of 2019

N.Alagumalai

... Petitioner

Vs.

1. The Joint Sub Registrar No.1,
Madurai South Registration District,
Madurai 625 001.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Ellisnagar, Madurai.

3. The Special Tahsildar (Land Acquisition),
Housing Board Scheme,
Collector's Office Campus,
Madurai – 20.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to register the documents pertaining to the land of the petitioner in S.No.42/3 and 42/4 of Thoppur Village, Tirupparankundram Taluk, Madurai District.

For Petitioner : No appearance.

For R1 & R-3 : Mr.N.Satheeskumar,
Additional Government Pleader.

For R-2 : Mr.R.Sivakumar,
Standing counsel.

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ORDER

None appears for the petitioner.

2. The petitioner wants this Court to direct the first respondent to register the documents pertaining to the petition mentioned lands.

3. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for respondents 1 and 3 informed the Court that they have received a communication from the second respondent that the lands in question were acquired long back and that no private individual is having any subsisting right over the same.

4. The lands in question belong to the Housing Board. Therefore, the petitioner will have to seek his remedy in some other manner. Definitely, the writ of mandamus will not lie. I sustain the objection of the learned Additional Government Pleader. When the property records reflect the name of the Housing Board, obviously they cannot register the documents in respect of the said lands.



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5. Only if the legal right is established or shown to exist, this Court can issue writ of mandamus and not otherwise. The petitioner has to necessarily obtain declaration of his rights over the lands in question and only thereafter apply for relief.

6. With the aforesaid liberty, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

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Madurai 625 001.
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G.R.SWAMINATHAN,J.

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