



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 14.06.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. (MD)No.652 of 2017**

WEB COPY

S.Veerasakthi Ganapathi

... Petitioner

Vs.

1. The Inspector General of Registration (Stamps),  
Santhome, Chennai.

2. The District Registrar,  
Palayamkottai,  
Tirunelveli.

3. The Sub Registrar,  
Srivaikuntam,  
Thoothukudi District.

4. S.Pon Jayarathi

5. S.Rajendra Kumar

6. S.Vinoth

7. K.Revathi

8. D.Packialakshmi

9. Prabhakaran

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to take appropriate action against the respondents 4 to 9 for creating fraudulent documents and executing sale deeds in respect of the property of the petitioner comprised in survey Nos.114/16, 86/16, 114/45, 115/33, 115/34, 115/35, 115/39, 115/57, 115/53, 115/48, 115/49, 116/2, 84/22 and 74/34, 117/14, 85/58, 85/74, 114/43, 88/10, 88/33, 83/19, 110/17, 85/33, 117/49, 117/11, 111/14, 74/20-C, 118/36, 115/15, 115/24B, 85/52, 74/37, 117/39, 83/28, 112/7, 110/15, 75/18. 74/32, 117/8, 117/10, 117/12, 117/45, 117/22, 117/23, 88/36, 84/21, 115/33, 118/39, 107/13, 116/1, 88/15, 88/19, 88/20, 88/30, 85/1, 85/3, 85/5, 85/10, 85/15, 85/19, 85/22, 85/22, 85/28, 85/39, 85/43, 85/54, 1099/2B, 75/10, 118/53 and other properties situated at Parangasanallur Village, Srivaikuntam Taluk, Thoothukudi District on the basis of circular issued by the first respondent dated 03.11.2011 and also on the basis of the communication sent by the first respondent to the second respondent within the time stipulated by this Court.



For Petitioner : Mr.V.Malaiyendran  
For R-1 to R-3 : Mr.J.K.Jayaseelan,  
Additional Government Pleader.  
For R-4 to R-9 : Mr.K.Neelamegam

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**O R D E R**

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the private respondents.

2. The writ petitioner and the private respondents are related to each other. The petitioner anchors the entire case on the Will dated 12.03.1982 executed by his grandfather Veerabadra Nadar @ Chellaiah Nadar. It is a registered document. According to the writ petitioner, the private respondents are dealing with the properties, even though they have not been bequeathed to them under the aforesaid Will.

3. The contentions of the writ petitioner might be correct. But then, the petitioner has to establish and prove the due execution of the aforesaid Will before the jurisdictional civil Court. In writ proceedings, this Court cannot proceed on the premise that the Will has been executed in favour of the writ petitioner. The dispute is civil in nature. If according to the petitioner, the private respondents are dealing with the properties without they having been bequeathed to them, then the writ petitioner has to necessarily move the jurisdictional civil Court for getting injunction. No relief can be granted in these writ proceedings. Leaving open all the petitioner's rights and granting liberty to the petitioner to move the jurisdictional civil Court for appropriate relief, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

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/06/2022

Sub Assistant Registrar(CS)



**To:**

1. The Inspector General of Registration (Stamps),  
Santhome, Chennai.

2. The District Registrar,  
Palayamkottai,  
Tirunelveli.

3. The Sub Registrar,  
Srivaikuntam,  
Thoothukudi District.

+1 CC to M/s.K. NEELAMEGAM, Advocate ( SR-25660[F] dated  
14/06/2022 )

+1 CC to M/s.V. MALAIYENDRAN, Advocate ( SR-25698[F] dated  
15/06/2022 )

+1 CC to M/s.SPL.GP ( SR-25928[F] dated 15/06/2022 )

W.P.(MD)No.652 of 2017  
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