



W.P(MD)No.9125 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9125 of 2022

R.Subramanian

... Petitioner

Vs

1.The District Registrar,
Tenkasi District,
Tenkasi.

2.The Sub Registrar,
Kadayanallur Sub Registrar Office,
Kadayanallur,
Tenkasi District.

3.K.V.K.Saravana Kumaravel

4.K.V.K.Sivakumar

***(R.3 and R.4 are impleaded vide Court
order dated 13.06.2022)***

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 21.04.2022 and take appropriate action based on the same, within the time frame fixed by this Court



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For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Balasubramani

Special Government Pleader for R.1 and R.2

Mr.Ka.Ramakrishnan for R.3 and R.4

ORDER

Heard both sides.

2. The writ petitioner is the nephew of one Kanthaiya Konar. The petitioner had filed partition suit against Kanthaiya Konar in O.S.No.75 of 2001 on the file of the Principal Sub Court, Tenkasi. Preliminary decree was passed on 17.07.2006. A.S.No.17 of 2008 filed by Kanthaiya Konar was dismissed by the Principal District Judge, Tirunelveli on 28.06.2010. The Second Appeal had also suffered dismissal. In the meanwhile, Kanthaiya Konar had executed the petition mentioned documents in favour of his sons, namely, K.V.K.Saravana Kumaravel and K.V.K.Sivakumar (respondents 3 and 4 herein) in the year 2019. Seeking its cancellation, the petitioner filed a petition before the first respondent. The first respondent may not have the power to cancel the document. But then he can very well label it as fraudulent. Kanthaiya Konar could not have executed the petitioned mentioned documents in favour of his sons when he had already suffered a preliminary decree in the partition suit. It



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was also alleged by the petitioner that Kanthaiya Konar had executed in excess of what he was actually entitled to.

3. The first respondent will bear these observations in mind and pass final order on the petition mentioned representation after putting the respondents 3 and 4 on notice. Such order shall be passed by the first respondent within a period of ten weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of accordingly. There shall be no order as to costs.

12.10.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

MGA

To

1.The District Registrar,
Tenkasi District,
Tenkasi.

2.The Sub Registrar,
Kadayanallur Sub Registrar Office,
Kadayanallur, Tenkasi District.



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G.R.SWAMINATHAN, J.

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