



W.P.(MD)No.10167 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.10167 of 2015
and M.P.(MD)No.1 of 2015

A.Manjula

... Petitioner

versus

1. The District Collector,
Collectorate,
Sivagangai District.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.
4. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

5. G.Marimuthu

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent No.2 to hand over the key of the House situated in T.S.No.392, A1 Part, Door No.162/2, 162/3, Kuruchi Puravu, Soodamanipuram, Karaikudi, Sivagangai District with the had of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader

ORDER

This writ petition is filed for a mandamus directing the second respondent/the Revenue Divisional Officer, Devakottai, to hand over the key of the house situated in T.S.No.392, A1 Part, Door No.162/2, 162/3, Kuruchi Puravu, Soodamanipuram, Karaikudi, Sivagangai District, to the petitioner.

2. The petitioner, on the strength of an unregistered sale deed dated 10.03.2014, claims title over the property in Door No.162/2, 162/3 at Kuuruchi Puravu, Soodamanipuram, Karaikudi, Sivagangi



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District that she has purchased the property from one R.Sasikala, daughter of the 6th respondent. On 20.05.2015, the 2nd and 3rd respondents came to her house, snatched the house key from her, closed the house and handed over the key to the 6th respondent. Therefore, she has submitted a representation to the first respondent on 15.06.2015. Since the said representation has not been considered, the present writ petition has been filed.

3. When this writ petition is taken up for hearing, the learned counsel appearing for the petitioner submits that the key was taken from the petitioner and the same was handed over to the 6th respondent long back and the petitioner will work out her remedy before the Civil Court.

4. The learned Additional Government Pleader submits that the disputed house is the property belonging to a Temple and the petitioner as well as the 6th respondent are claiming right over the property. The



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right claimed by the petitioner is based on an unregistered sale deed.

Neither the petitioner nor the 6th respondent are having title over the property. However, there was a dispute between the petitioner and the 6th respondent in taking over this house property and criminal cases have also been registered as against the petitioner in Crime No.545 of 2014 and 290/15, 292/15. Based on the same, the 5th respondent has also registered a further case in Crime No.291 of 2015 under Section 145 Cr.P.C. and referred the FIR for further proceedings before the second respondent. The second respondent has initiated proceedings under Section 145 Cr.P.C. and also passed an order in his proceeding Mu.Mu.Aa.No.Aa1/2979-2015 dated 24.07.2015. Instead of challenging the order passed by the second respondent dated 24.07.2015, the petitioner has filed this writ petition for a mandamus on the strength of unregistered sale deed. The learned Additional Government Pleader has also produced a copy of the proceedings in Mu.Mu.Aa.No.Aa1/2979-2015 dated 24.07.2015.



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5. It appears that the second respondent/the Revenue Divisional Officer, Devakottai, has taken a decision on the proceedings under Section 145 Cr.P.C. The petitioner, without challenging the proceedings under Section 145 Cr.P.C., has filed this writ petition for a mandamus. Moreover, the petitioner cannot claim right over the property, based on the unregistered sale deed. Therefore, the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed by giving liberty to the petitioner to work out her remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2023

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



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