



W.P. No.17838 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.17838 of 2021

E.Vasudevan

... Petitioner

Vs

- 1.The Collector,
Collector Office, Tiruvellore
- 2.The Tahsildar, JN Road, Tiruvellore
- 3.The Inspector General of Registration
100, Santhome High Road
Mandavelipakkam, Chennai - 600 028
- 4.The District Registrar (Administration)
North Chennai Zone, Kuralagam 1st Floor,
Chennai - 600 108
- 5.The Sub Registrar
Sub Registrar Office, Arani - 601 101
- 6.The Superintendent of Police
Land Grabbing Cell
Thiruvellore
- 7.Mrs.Jayalakshmi



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8.Mrs.M.Suseela

9.A.T.Chandran

10.M.Manoharan Mudaliar

11.A.Mohanammal

12.A.Balaji

13.A.Kavitha

14.N.Jagadeesan

15.N.Sampath

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 3 to 5 to conduct detailed enquiry and take appropriate action against the respondents 7 to 15.

For Petitioner : Mr.S.Ezhilraj

For Respondents : Mr.P.Sathish,
Addl. Govt. Pleader for R1 & R2

Mr.B.Vijay,
Addl. Govt. Pleader for R3 to R5

Mr.S.Sugendran,
Addl. Public Prosecutor for R6

ORDER



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This writ petition has been filed for a direction to the respondents 3 to 5 to conduct a detailed enquiry and take appropriate action against the respondents 7 to 15.

2. It is the case of the writ petitioner that one Dhanappa Mudaliar has purchased certain property on court auction sale in the year 1933. The said Dhanappa Mudaliar died in the year 1969 leaving behind the following legal heirs.

- i) D.Ganesan (Died) S/o.Dhanappa Mudaliar
- ii) E.Kausalya @ Kamsammal (Died) W/o.Elumalai
- iii) V.Easwari Ammal (Died) W/o.Velayutha Mudaliar
- iv) N.Radha Bai, W/o.Neelakanda Mudaliar (Alive)
- v) M.Kamala (Died) W/o.Munusamy Mudaliar

Petitioner is one among the grandchildren of the said Dhanappa Mudaliar. According to the petitioner, Dhanappa Mudaliar's legal heirs had not dealt with the subject property at any point of time. However, certain documents have been registered. One Choolikan, Krishnan and Parthasarathy have encroached upon 20 cents and created document in the year 1942. Thereafter several



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documents have been executed. Hence, according to the petitioner, the authorities should conduct an enquiry and cancel all the documents.

3. The very writ petition itself is nothing but an abuse of process of law. The petitioner seeks to cancel the document of the year 1942. The very allegations in the affidavit filed in support of the writ petition indicate that the third party right has been created from the year 1942 onwards. Therefore, merely on the basis that some court auction purchase, sale took place in the year 1933, now the petitioner cannot seek such a roving enquiry by the registering authorities. It is for the petitioner to establish any right, if any, in a competent civil court and not before the Sub Registrar. Hence, I do not find any merit in the writ petition. Accordingly, the same is liable to be dismissed.

4. In fine, the writ petition is dismissed. However, there is no order as to costs.

08.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr
To



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- 7.The Government Pleader
High Court, Madras

N.SATHISH KUMAR, J.



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