



W.P.No.7897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.7897 of 2024

and

W.M.P.Nos.8873 and 8875 of 2024

1.N.Moorthy

2.Srilathadevi

... Petitioners

versus

1.The Sub Collector,
Saram, Purucherry – 605 013.

2.Tahsildar,
Taluk Office,
Oulgaret, Puducherry.

3.Mahalakshmi

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, forbearing the first respondent from conducting any enquiry against the petitioners on the basis of the alleged



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complaint given by the third respondent dated 31.07.2023.

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For Petitioners : Mr.M.N.Kathir
For Respondents : Mr.M.Nirmal Kumar
Government Advocate (Pondicherry)
for R1 and R2

ORDER

Mr.M.Nirmal Kumar, learned Government Advocate (Pondicherry) accepts notice for respondents 1 and 2. Since this writ petition is being disposed of without passing any adverse orders against the third respondent, affecting her interest, notice to the third respondent is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, forbearing the first respondent from conducting any enquiry against the petitioners on the basis of the alleged complaint given by the third respondent dated 31.07.2023.



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3. The learned counsel for the petitioners submitted that the first petitioner is the adopted son of one Jayabal, who is the husband of the third respondent herein. The said Jayabal executed a sale deed vide Doc.No.20318/2020 on the file of the Sub Registrar, Oulgaret, in favour of the first petitioner herein in respect of the property situated at Old No.39, New No.26, Karnan House, Kennedy Garden, Samy Pillai Thottam, Puducherry. Subsequently, the first respondent executed a settlement deed in favour of his wife/the second petitioner herein. That being so, the third respondent herein gave a complaint to the second respondent alleging that the sale deed in Doc.No.20318/2020 was executed by her husband in favour of the first petitioner, while her husband was ill and insane. After enquiry, the second respondent passed an order on 23.11.2023 directing the parties to approach the competent forum to get appropriate remedy and not to indulge in activities leading to law and order issue. Instead of challenging the said order dated 23.11.2023, the third respondent prevailed upon the first



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respondent to take steps to cancel the settlement deed vide Doc.No.20318/2020 dated 22.10.2020, without following due process of law. Hence the present writ petition.

4. Heard both sides and perused the materials available on record.

5. Admittedly, the third respondent gave a complaint to the second respondent on 31.07.2023. After conducting enquiry, the second respondent by an order dated 23.11.2023 directed both the parties to approach the competent forum to establish their case. The petitioners were not able to show that any one of the parties to the complaint filed an appeal before the first respondent, aggrieved by the order passed by the second respondent dated 23.11.2023, however, the petitioners simply filed the present writ petition seeking to forbear the first respondent from conducting any enquiry against the petitioners on the basis of the alleged complaint given by the third respondent dated 31.07.2023.



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6. It is to be noted that there is no material to show that the third respondent gave a complaint before the first respondent and the first respondent initiated enquiry or proceedings. In the absence of the same the petitioners have no cause of action to file the present writ petition.

7. In view of the above, this writ petition is dismissed in-limine. Consequently, connected W.M.P.No.8875 of 2024 is closed.

8. W.M.P.No.8873 of 2024 is ordered on payment of separate Court fees, by each of the petitioners, if not already paid.

9. There shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1.The Sub Collector,
Saram, Purucherry – 605 013.

2.The Tahsildar,
Taluk Office,
Oulgaret, Puducherry.



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