



WEB COPY



W.P.No.20268 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.20268 of 2024

1.K.Mani
2.K.Kalyani

.. Petitioners

Vs

1.The District Registrar
Vellore

2.The District Sub Registrar
Velappadi, Vellore District
Vellore 632 007

3.V.Ponnusamy

4.Vasanthi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus calling directing the 2nd respondent herein to consider the representation of the petitioner dated 06.04.2024 to conduct an enquiry and to cancel the fraudulent documents registered as document No.5730/2005 dated 05.10.2005 and document No.4437/2012 dated 07.05.2012.

For Petitioner	:	Mr.A.Sathish
For RR 1 and 2	:	Mr.M.Shajahan Special Government Pleader



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ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a direction to the 2nd respondent to conduct an enquiry and cancel the fraudulent documents registered as document Nos.5730/2005 and 4437/2012 dated 05.10.2005 and 07.05.2012, respectively, based on the petitioners representation dated 06.04.2024.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

4. It is the case of the petitioners that their grandmother, who owned an extent of 3.71 acres, comprised in S.No.404, Sevoor Village, Katpadi Taluk, died intestate, leaving behind Sadayan, Vinayagam and Alamelu Ammal as her legal heirs; taking undue advantage of this, Vinayagam executed a settlement deed dated 05.10.2005 in favour of the 3rd respondent/son of Vinayagam, in respect of an extent of 1.74 cents out of the said 3.71 acres, who in turn,



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settled the property in his wife's name/4th respondent on 07.05.2012. Hence,

the present writ petition.

5. This Court is of the view that such a prayer cannot be entertained, for the simple reason that if the petitioners claim any share over the property, it is for them to file a suit for partition. Instead of doing so, they cannot seek a direction to the 2nd respondent to cancel the documents in question, is not maintainable and accordingly, this writ petition is dismissed. No costs.

25.07.2024
(2/2)

gya

Index : Yes/No

Neutral Citation : Yes/No

To

1.The District Registrar
Vellore

2.The District Sub Registrar
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Vellore 632 007



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N.SATHISH KUMAR, J.

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