



W.P(MD).No.12754 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.12754 of 2023

A.Somasundaram

... Petitioner

Vs.,

1.The District Registrar,
Office of the District Registrar,
Thoothukudi.

2.M.Arumugam
3.Delpin Sugi
4.SAntha
5.Arul Jothi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to dispose of the petition No. 6502/2022 pending on the file of the respondent at the earliest possible within the time frame fixed by this Court.

For Petitioner : Mr.V.Shathurthi Raja

For Respondents : Mr.C.Satheesh (for R1)
Government Advocate (civil side)
Mr.M.P.Senthil (for R2 to R5)



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ORDER

The petitioner seeks disposal of petition No.6502/2022 pending before the first respondent, whereby he sought to cancel the documents in Doc Nos.619 and 620 of 2020 on the ground that his easementary right has been included vide sale deed registered in the year 2012.

2. Heard Mr.V.Shathurthi Raja, learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate (crl.side) appearing for the first respondent and Mr.M.P.Senthil, learned counsel appearing for the respondents 2 to 5.

3. The case of the petitioner is that the subject property originally belongs to one K.S.Samy Kulathaiyar, who executed a registered sale deed in favour of Harihara Sasthri, Ganapathy Sasthri, Subramani Sasthri and Chidambara Sasthri with certain conditions. Thereafter, the said Ganapathy Sasthri had sold the property allotted to his share vide registered sale deed dated 22.08.1966 in Doc No.2526/2966 in favour of the petitioner's father, namely, P.Aranvalartha Sundarampillai, who in turn executed a registered Will in favour of the petitioner



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vide Doc No.97/2006 dated 22.08.2006. Subsequently, the said P.Aranvalartha Sundarampillai has passed away. Thereafter, the petitioner is in possession and enjoyment of the said property. Now, one Arumugam constructed a building in the subject property and thereby, the petitioner's easementary right was affected. Hence, the petitioner is before this Court.

4. Considering the facts and circumstances of the case, this Court is of the view that the petitioner wants to achieve his right of easement by way of cancelling the documents by the registering authority. At the outset, such prayer itself is misconceived. It is for him to establish his right before the civil Court.

5. Accordingly, with liberty to the petitioner to work out his remedy before the civil Court, this Writ Petition is dismissed. No costs.

03.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
The District Registrar,
Office of the District Registrar,
Thoothukudi.

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N.SATHISH KUMAR, J.

Rmk

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