



W.P.(MD).No.30424 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30424 of 2023

Santhosh @ Ayyanan

....Petitioner

Vs

1.The District Registrar (Administration),
Registration Department,
Dindigul,
Dindigul District.

2.The Deputy Superintendent of Police,
District Vigilance and Anti-Corruption Wing,
Dindigul, Dindigul District.

3.The Sub Registrar,
Registration Department,
Natham, Dindigul District.

4.Sasikumar

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 1st and 2nd respondents to take appropriate legal and departmental action against the 3rd and 4th respondents on the strength of the Circular of the Inspector General of Registration vide proceedings in Na.Ka.39708/C1/2018, dated 04.10.2018 by considering the petitioner's representation, dated 30.11.2023 within stipulated time limit as fixed by this Court.



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W.P(MD).No.30424 of 2023

For Petitioner : Mr.A.Prasanna Rajadurai

For R1 - R3 :Mr.P.Veerakathiravan
Additional Advocate General
assisted by Mr.C.Satheesh
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 1st and 2nd respondents to take appropriate legal and departmental action against the 3rd and 4th respondents on the strength of the Circular of the Inspector General of Registration vide proceedings in Na.Ka.39708/C1/2018, dated 04.10.2018 by considering the petitioner's representation, dated 30.11.2023 within stipulated time limit as fixed by this Court.

2. The petitioner's grand father, namely K.Ayyanan, son of Kakkappan has owned certain Punja lands in Veeranilai Lingavadi Village, Natham Taluk, Dindigul District to an extent of 88 cents and 89 cents respectively. On 18.12.2001, the petitioner's grand father executed a settlement on the file of the 3rd respondent in favour of the petitioner with respect to those properties. While the petitioner was enjoying the said lands, the petitioner's grand father, without any basis, had unilaterally cancelled the settlement deed in his favour vide cancellation deed, dated 12.03.2002 managing the 2nd respondent



W.P(MD).No.30424 of 2023

authorities. Further, the petitioner's aunt, namely Panchu, wife of Thennarasu obtained a fraudulent sale deed in respect of survey no.149/6 from the petitioner's grand father.

3. Thereafter, another one Sonai created a settlement deed with respect to the said property to one Ayyammal @ Sangeetha vide gift deed, dated 26.08.2006 which is totally illegal and fraudulent. Such transactions were made by the 3rd respondent in late evening hours. The petitioner made a request to the 1st respondent and higher authorities of Registration Department on 09.11.2023 to conduct an enquiry upon illegal activity of 3rd and 4th respondents and consequently, cancelling the said cancellation of gift deed, dated 12.03.2002 and sale deed, dated 07.11.2023. Contending that the activity of the 3rd and 4th respondents is highly illegal, narrating the various circumstances which lead to the registration of the various documents, the petitioner made a representation on 30.11.2023 to the 1st and 2nd respondents along with relevant documents to take serious legal and departmental action against the 3rd and 4th respondents . Since the same was not considered, this writ petition came to be filed.

4. The learned Additional Advocate General appearing for the official respondents vehemently submitted that the 3rd party cannot seek a mandamus



W.P(MD).No.30424 of 2023

to direct the authorities to initiate disciplinary action against the subordinate officials and he pressed for dismissal of the writ petition.

5. However, the crux of the issue is no more *res integra*. This Court has already dealt with a similar case in W.P(MD)No.10362 of 2021, dated 03.02.2022 and the relevant portion of which is extracted as follows:

'5.The petitioner has informed the disciplinary authorities about the acts committed by the third respondent. It is for the disciplinary authority concerned to take appropriate action. The petitioner has no right to compel the authority concerned to initiate disciplinary action against the third respondent. No such right inheres in the petitioner. It is well settled that a Writ of Mandamus will lie only to enforce a legal right. When there is no such legal right inhering in the petitioner, the Writ of Mandamus will not lie. Even if I assume that the third respondent has erred or committed misconduct, still, it is left to the discretion of the disciplinary authority to initiate action against him. Both the requests made by the petitioner in his representation cannot be enforced by way of Writ of Mandamus. Leaving open all the other rights and remedies, the Writ Petition stands dismissed. No costs.'

6. Fully fortified by the order of this Court in the aforesaid writ petition reiterating that the petitioner has no right to compel the authorities to initiate



W.P(MD).No.30424 of 2023

disciplinary action against the 3rd and 4th respondents and that Mandamus would lie only to enforce a legal right .

7. In view of the above, this Writ Petition stands dismissed. No costs.

29.01.2024.

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

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To

- 1.The District Registrar (Administration),
Registration Department,
Dindigul,
Dindigul District.
- 2.The Deputy Superintendent of Police,
District Vigilance and Anti-Corruption Wing,
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- 3.The Sub Registrar,
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W.P(MD).No.30424 of 2023

L.VICTORIA GOWRI, J.

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W.P.(MD).No.30424 of 2023

29.01.2024