



**W.P.(MD).No.31088 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.31088 of 2023**

P.Chinnamurugan

...Petitioner

Vs

1.The Inspector General of Registration,  
100, Santhome Road,  
Manthaivellipakkam,  
Raja Annamalaipuram,  
Chennai-600 028.

2.The Deputy Inspector General of Registration,  
(Madurai South Zone),  
Madurai South District Registrar Office,  
171, Palace Road,  
Madurai-625 001.

3.The Deputy Registrar,  
Madurai South,  
Madurai.

4.The Deputy Registrar,  
Madurai North,  
Madurai.

5.Manickavasagam

...Respondents

**Prayer:** This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 1 to 3<sup>rd</sup> respondents to conduct enquiry and take disciplinary action against the fifth respondent herein on the basis of petitioner's representation, dated 04.12.2023.



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For Petitioner : Mr.K.Maheshraja

For R1 - R4 :Mr.P.Veerakathiravan  
Additional Advocate General  
assisted by Mr.S.Shanmugavel  
Additional Government Pleader

### **ORDER**

The present writ petition has been filed seeking a direction to the 1 to 3<sup>rd</sup> respondents to conduct enquiry and take disciplinary action against the fifth respondent herein on the basis of petitioner's representation, dated 04.12.2023.

2. One Veernakonar had two legal heirs, namely Veerahavak Kone and Jegathambal. After his death, the property belonging to him were divided among his legal heirs and Jegathambal obtained B schedule property. The said Jegathambal executed one Will in favour of the petitioner with respect to her property. After the demise of Jegathambal and her husband one Ramachandran, the petitioner sought for before the Registrar Office of Sökkikulam to register the Will executed by Jegathambal in favour of the petitioner. Without making proper enquiry, the said Will was rejected unilaterally by the Registrar of Sökkikulam. Against which, an appeal was



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preferred before the District Registrar, Madurai North and the appeal is pending.

3. During the pendency of the appeal, the 4<sup>th</sup> respondent issued summons to the rival claimants and the rival claimants appeared before the 4<sup>th</sup> respondent for hearing. In the mean while, few of the rival claimants intentionally purchased a small piece of land coming under Madurai South Joint – I Sub Registrar Office on 13.05.2023 before 3 days from 16.05.2023., the date on which the rival claimants had registered a partition deed including the petitioner's disputed property before the 5<sup>th</sup> respondent office. The petitioner's disputed property falls under the jurisdiction of Madurai North Settikulam Registrar Office. The 5<sup>th</sup> respondent without considering and following the 1<sup>st</sup> respondent's circular and without considering the pendency of the petitioner's appeal before the 4<sup>th</sup> respondent, had intentionally registered the said documents fraudulently. Hence, the petitioner made a representation narrating all the facts and circumstances on 04.12.2023 to initiate appropriate departmental action as against the 5<sup>th</sup> respondent. However, the same was not considered. Hence, this writ petition came to be filed.



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4. The learned Additional Advocate General appearing for the official respondents vehemently submitted that the 3<sup>rd</sup> party cannot seek a mandamus 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.'*



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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 disciplinary action against the 5<sup>th</sup> respondent 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

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**L.VICTORIA GOWRI, J.**

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