



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19204 of 2019

WEB COPY

A.Ponnumani

... Petitioner

vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Registrar,
Trichy District,
Trichy.

3.The Sub-Registrar,
Thuvarankurichi,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to conduct enquiry for cancellation of the gift deed and restore the same to the petitioner's name which was given to her son namely Masaan through Document No.891/2012, dated 25.05.2012 on the file of the third respondent and consequently direct the respondents to consider the petitioner's representations dated 07.05.2019 and 02.08.2019.

For Petitioner : Mr.A.Mu.Sharavanan

For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

Mr.A.Mu.Sharavanan, learned counsel on record for writ petitioner and Mr.M.Murugan, learned Government Advocate who accepts notice on behalf of all respondents are before this Court.

2.The entire matter turns on a narrow compass and therefore, with consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3.Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions canvassed in the affidavit filed in support of instant writ petition, learned counsel for the



petitioner projected his submission on one pivotal point and that one pivotal point is that the writ petitioner has made a representation, dated 02.08.2019 to the respondents 2 and 3 (hereinafter referred to as 'said representation' for brevity), seeking cancellation of a registered document / deed executed by the writ petitioner on 25.05.2012. The said document is registered on the file of the third respondent, who is the jurisdictional Sub-Registrar.

4.Be that as it may, the language in which the prayer is couched makes it appear that the settlement deed has been executed by the writ petitioner in favour of her son, but from the case file placed before this Court, more particularly page Nos.1 to 9 of the typedset of papers forming part of the case file, it comes to light that what has been executed is in the nature of release deed captioned “பாக பாத்திய விடுதலை ஆவணம்“. Be that as it may, what is of utmost significance is, as mentioned supra, said representation is dated 02.08.2019, but case file reveals that instant writ petition has been filed prior to said representation ie., on 25.06.2019, according to the coding sheet.

5.Therefore, on the date of filing of the writ petition, there is no representation, or in other words, on the date of filing of the writ petition / on the date of presentation of the writ petition ie., 25.06.2019, said representation had not even been sent, as alluded to supra. Therefore, no case has been made out for Mandamus qua the said representation. Absent mandamus qua this limb there can be no mandamus qua the other limb of the prayer. There is no dispute on this sequitur.

6.Be that as it may, it is submitted that the writ petitioner is 82 years old and it is not in dispute that it is open to him to approach the Revenue Divisional Officer (RDO) under the Maintenance and Welfare of Senior Citizens Act, 2007 (hereinafter referred to as 'said Act' for brevity) and more particularly, under Section 23 of the said Act.

7.It is made clear that this order will not impede or come in the way of the writ petitioner taking such a course and in this regard, it is also made clear that no opinion or view is expressed by this Court on the merits of the matter.

8.At this juncture, learned counsel for the writ petitioner points out that the writ petitioner has sent a representation dated 07.05.2019 (to be noted this is also post filing of writ petition on 25.06.2019) *inter alia* to the jurisdictional RDO. It is open to the jurisdictional RDO to consider the same as a petition under aforesaid Act and dispose of the same on its own merits and in accordance with law.



9.Instant Writ Petition is dismissed with the aforesaid observations. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS)

ps

To

1.The District Collector,
Trichy District,
Trichy.

2.The District Registrar,
Trichy District,
Trichy.

3.The Sub-Registrar,
Thuvarankurichi,
Trichy District.

+1 CC to M/s.SPL GP (SR-85614[F] dated 06/09/2019)

W.P (MD) No.19204 of 2019
04.09.2019

KM/(19.09.2019) 3P 5C