



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.15085 of 2020

S.Atchaya

... Petitioner

-Vs-

1. The District Registrar, (Registration Department),
District Registration Office, Periyakulam,
Theni District.

2. The Sub Registrar,
Theni, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to expedite proceedings in Na.Ka.No.2730/E2/2020, dated 11.09.2020 pending on the file of the second respondent within the stipulated time frame fixed by this Court.

For Petitioner : Mr.R.Surianarayanan
For Respondents : Mr.K.Sathiya Singh,
Additional Government Pleader.

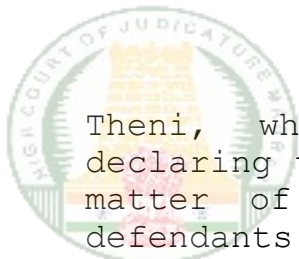
ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to expedite the proceedings in Na.Ka.No.2730/E2/2020, dated 11.09.2020 pending on the file of the second respondent, within the stipulated time frame fixed by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.Sathiya Singh, learned Additional Government Pleader accepts notice on behalf of the respondents.

4.According to the petitioner, her maternal aunt and her mother are having joint interest from their ancestor properties. Therefore, they have filed a partition suit in O.S.No.553 of 2003 on the file of the Sub Court, Periyakulam and the same is renumbered as O.S.No.12 of 2017 and transferred to Additional Fast Track Court,



Theni, wherein preliminary decree was passed on 03.11.2018, declaring that her maternal aunt is having 7/72 share in the subject matter of undivided joint family properties. Thereafter, the defendants in the said suit has filed an appeal before this Court in A.S.(MD)No.74 of 2019. During the pendency of the said suit proceedings, the defendants in the said suit have fraudulently transferred the patta in respect of the subject properties based on the illegal deeds. Therefore, her maternal aunt and her mother have preferred an appeal before the DRO, Theni and the same was allowed and thereafter, the affected parties have preferred an appeal before the Commissioner of Land Administration, Chepauk, Chennai and the same was dismissed on 10.05.2006, confirming the order of the DRO, Theni. In the meanwhile, her maternal aunt has executed a registered Will in favour of the petitioner on 31.01.2005 bearing Document No.13 of 2005 on the file of the Sub Registrar Office, Theni, since she is not having any legal heirs. During the pendency of the appeal suit in A.S.(MD)No.74 of 2019, her maternal aunt died on 28.11.2019. Thereafter, the petitioner has filed impleading petition as legal heir of maternal aunt based on her registered will and the same is pending for adjudication. While the said legal proceedings are going in the subject properties of the suit in O.S.No.12 of 2017, the patta has been transferred periodically in the name of the family members of the defendants in the suit with an intention to make encumbrance over the subject properties. Hence, the petitioner has made an application dated 21.08.2020 before the first respondent to take necessary action. On receipt of the same, the first respondent has initiated proceedings dated 11.09.2020 and issued summon to the petitioner. After receipt of the same, the petitioner has appeared before the first respondent on 21.09.2020 and made her statement before him by written. Thereafter, there is no progress on the side of the first respondent. Hence, the petitioner has approached this Court, seeking aforesaid prayer.

5. In view of the above, this Court, without going into the merits of the case, directs the first respondent to expedite the proceedings dated 11.09.2020, after hearing all the necessary parties, within a period of four (4) months from the date of receipt of a copy of this order.

6. With this direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

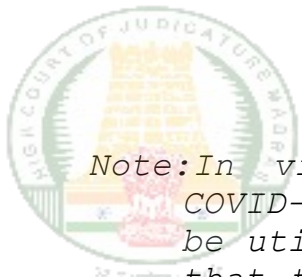
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Sub Assistant Registrar(CS)

Myr

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Registrar, (Registration Department),
District Registration Office, Periyakulam,
Theni District.
2. The Sub Registrar,
Theni, Theni District.

+1 CC to the SPL GP (SR-20981[F] dated 03/11/2020)

Order made in
W.P. (MD) No.15085 of 2020
02.11.2020

SSS(CO)
CS(10.11.2020) 3P 4C