



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos.13995 and 13996 of 2021

WEB COPY

- | | |
|---------------------------|---------------------------|
| 1. VE.Annamalai @ Ramesh | ... Petitioner |
| | in W.P(MD) .No.13995/2021 |
| 2. VE Muthiah @ Natarajan | ... Petitioner |
| | in W.P(MD) .No.13996/2021 |

Vs.

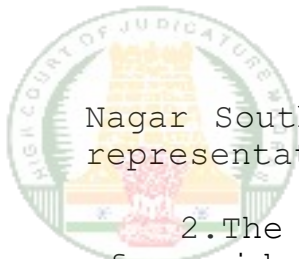
1. The Secretary,
R.No.786, Tiruchirappalli
Cooperative House Construction
Society Limited, Door No.33,
Community Centre,
M.S.Manian Salai,
Thillai Nagar Main Road,
Thillai Nagar,
Tiruchirappalli District-620 018.
2. The Cooperative Sub-Registrar/Administrator,
R.No.786,Tiruchirappalli
Cooperative House Construction
Society Limited, Door No.33,
Community Centre,
M.S.Manian Salai,
Thillai Nagar Main Road,
Thillai Nagar,
Tiruchirappalli District-620 018. ... Respondents
(in both Writ Petitions)

Common Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, for a direction to the respondents to issue conveyance deed in favour of the above said legal heirs I.e., the grandsons of late Meyammal Achi's five sons with regard to the property bearing Door No.12A, Main Road, Thillai Nagar South, Tiruchirappalli District, by considering the representation of the petitioner dated 17.04.2021 and also to fix a time frame.

For Petitioner	: Mr.S.Karthikeyan (in both W.Ps)
For Respondents	: Mr.P.Subbaraj,
	Counsel for State (in both W.Ps)

COMMON ORDER

The petitioners seek issuance of a deed of conveyance in respect of the property bearing door No.12A, Main Road, Thillai
<https://hcservices.ecourts.gov.in/hcservices/>



Nagar South, Tiruchirappalli District, pursuant to the petitioners' representation dated 17.04.2021.

2.The petitioners state that their grandmother purchased the aforesaid property from the first respondent and constructed a house thereon. According to the petitioners, there are no pending dues in respect of such property to the respondents. The petitioners' grandmother is said to have executed a Will on 15.01.1977, in terms of which the property has been bequeathed in equal shares to the grandsons born through her five sons. On the basis of such Will, which came into force upon the death of the petitioners' grandmother on 14.02.1977, the present writ petition has been filed.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents.

4.From the facts on record, it appears that the purchase of the property was made several decades ago. Indeed, the petitioners have not produced any documents directly establishing that such property was purchased. Instead, the petitioners rely upon the Will and refer to the proceedings of the Principal District Judge, Tiruchirappalli, in O.P.No.122 of 1977.

5.On the basis of the averments in the affidavit and the documents produced by the petitioners, no positive direction can be issued for the execution of such deed of conveyance. Needless to say, the respondents would have to examine whether the said property had been allotted to the petitioners' grandmother and whether all payments due in respect thereof had been duly made by the petitioners' grandmother.

6.Subject to the above observations, the respondents herein are directed to consider the petitioners' representation dated 17.04.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioners and all other parties, including the other legatees under the Will dated 15.01.1977. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

7.Accordingly, W.P(MD).Nos.13995 and 13996 of 2021 are disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To:

- 1.The Secretary,
R.No.786, Tiruchirappalli
Cooperative House Construction
Society Limited, Door No.33,
Community Centre,
M.S.Manian Salai,
Thillai Nagar Main Road,
Thillai Nagar,
Tiruchirappalli District-620 018.
- 2.The Cooperative Sub-Registrar/Administrator,
R.No.786,Tiruchirappalli
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Society Limited, Door No.33,
Community Centre,
M.S.Manian Salai,
Thillai Nagar Main Road,
Thillai Nagar,
Tiruchirappalli District-620 018.

+1 CC to M/s.Special Government Pleader (SR-26064[F] dated
12/08/2021)

W.P. (MD) Nos.13995 and 13996 of 2021

11.08.2021

RS (23.08.2021) 3P 4C