



W.P.(MD).No.21319 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.21319 of 2022

MLM. Sarojini Achi,
W/o. (Late) M.L.M. Mahalingam Chettiar,
Represented through Power Agent
M.Nachchiappan
S/o.(Late) M.L.M.Mahalingam Chettiar,
34, North Chithirai Street,
Madurai.

... Petitioner

vs.

1. The Revenue Divisional Officer,
Collector's Office Compound,
Madurai – 625 020.

2. M.Prabakaran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to conduct enquiry and pass order on the appeal filed by the petitioner dated 15.02.2020, by considering the order passed by the District Registrar, Madurai North, Madurai in Proceedings No. 4603/R2.2019, dated 19.04.2022 and the compromise Decree passed in



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O.S.No.145 of 2019, dated 8th June 2022 on the file of the District Munsif, Madurai Taluk, Madurai within a time fixed by this Court.

For Petitioner : Mr.S.Lakshmanasamy
For R1 : Mr.D.Gandhiraj
Special Government Pleader
For R2 : Mr.A.Mohan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to conduct an enquiry and pass order on the appeal filed by the petitioner dated 15.02.2020, by considering the order passed by the District Registrar, Madurai North, Madurai in Proceedings No.4603/R2.2019, dated 19.04.2022 and the compromise decree passed in O.S.No.145 of 2019, dated 8th June 2022 on the file of the District Munsif, Madurai Taluk, Madurai.

2. The case of the petitioner is that her mother has purchased the properties in S.Nos.164 and 166/1 situated at Paravai First Bit Village, Madurai North Taluk, Madurai District, under sale deed dated



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22.09.1954 and the same was registered before the Sub Registrar Office, Madurai. Some of the persons created documents with an intention to grab the valuable properties from the hands of petitioner's mother by creating encumbrance over the properties. The petition filed by the petitioner before the District Registrar, Madurai North with respect to cancelation of fraudulent document was allowed by order dated 19.04.2022. Pursuant to the same, the second respondent has filed a compromise petition before the District Munsif, Madurai Taluk in O.S.No.145 of 2019 and the suit was decreed as per the terms of compromise, by judgment dated 08.06.2022. In the said circumstances, the first respondent herein has not passed any order on the appeal dated 15.02.2020. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.



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4. Considering the prayer sought for by the petitioner, this Court directs the first respondent to conduct an enquiry and pass orders on the appeal filed by the petitioner dated 15.02.2020, based on the compromise decree passed by the District Munsif, Madurai Taluk, Madurai in O.S.No.145 of 2019, dated 08.06.2022, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is also directed to produce all the relevant documents before the first respondent to enable him to pass appropriate orders.

5. With the above direction, this Writ Petition is disposed of. No costs.

29.09.2022

Index: Yes/No
Internet: Yes/No

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V.BHAVANI SUBBAROYAN,J.

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