



W.P.(MD).No.23122 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23122 of 2022

Karmegam

... Petitioner

vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
3. The Sub-Registrar,
No.1, Registration Department,
Sivagangai,
Sivagangai District.
4. Kavitha

... 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 to consider and pass orders on the petitioner's Appeal dated 22.08.2022 against the order of the second respondent in her proceedings in Pa.Mu.A1/4181/2022 dated 12.08.2022 in order to cancel the Gift Deed



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dated 12.02.2021 registered with the third respondent under Document No.245 of 2021 executed by the petitioner in favour of the fourth respondent.

For Petitioner : Mr.V.Kannan
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Ms.S.Jayapriya
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's Appeal dated 22.08.2022, against the order of the second respondent in her proceedings in Pa.Mu.A1/4181/2022, dated 12.08.2022, in order to cancel the Gift Deed dated 12.02.2021, registered with the third respondent under Document No.245 of 2021, executed by the petitioner in favour of the fourth respondent.

2. The case of the petitioner is that he is the owner of the building property in T.S.No.149/1, Block No.10, Ward No.9, New Ward No.13,



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situated at Gandhi Street, Sivagangai District and he has three daughters.

His first daughter Punitha is physically handicapped and unmarried and the second and third daughters are married and live in their matrimonial homes at Pudukottai. The third daughter, the fourth respondent herein promised to take care of the petitioner and started pestering him to gift her the said land. Hence, the petitioner has executed a gift deed on 12.02.2021. After the execution of the said gift deed, he stayed with the fourth respondent for about two months. Thereafter, she threw the petitioner out on the streets with no hope and recourse. Therefore, the petitioner has preferred an application dated 01.04.2022 before the second respondent for cancellation of the said gift deed. Since the second respondent has not considered the said application, the petitioner has filed a writ petition in W.P.(MD).o.7513 of 2022 before this Court. On 21.04.2022, this Court directed the second respondent to consider the petitioner's application within a period of three months. But the second respondent has rejected the petitioner's application on 12.08.2022. Against which, he has preferred an appeal before the first respondent on 22.08.2022 and the same is still pending. Hence, the petitioner has filed



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the present writ petition, seeking direction to the first respondent to consider and pass orders on the petitioner's appeal, dated 22.08.2022.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

4. Considering the limited prayer sought for by the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's Appeal dated 22.08.2022 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

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Index: Yes/No

Internet: Yes/No

akv

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V.BHAVANI SUBBAROYAN,J.

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