



W.P(MD)No.27581 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27581 of 2022

Karuppayee

... Petitioner

Vs.

1.The Sub Registrar,
Melur Sub Registrar Office,
Melur,
Madurai District.

2.Abdulkadhar

3.The Manager,
ICICI Bank,
Melur Branch,
Ganesh Complex,
Melur, Madurai District.

4.The Manager,
Piramal Capital and Housing Finance,
Door No.12, 1st Floor,
Shanmugabhavan,
OCPM School Road,
Kamarajar Nagar,
China Chokkikulam,
Madurai-2.

... Respondents



W.P(MD)No.27581 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the objection petition filed by the petitioner dated 01.12.2022 in respect of our ancestral properties to his name, (1) house property in Door No. 2/25, (2) Patta No. 4639, Nanjai lands in S.Nos.77/13, 144/7B, 689/6, 28/1A, 48/6, 48/6B, 692/3, 28/2B, 27/10, 689/15, 28/1B and 48/3, (3) Patta No.4639, Punjai Lands, in S.No. 690/2G, 690/2L, 291/1N, 184/8C, 690/2A1, 184/8D and 691/1G and (4) Patta No. 2669, Punjai Lands in S.Nos. 27/1B, 27/3, 27/5, 27/13, 28/3 and 28/5 situated at North Navinipatti, Melur Taluk, Madurai District.

For Petitioner : no appearance
For R1 : Mr.S.Shanmugavelu
Additional Government Pleader
For R4 : Mr.S.Pethurajesh
Standing Counsel

ORDER

None appears for the writ petitioner.

2. The learned counsel appearing for the fourth respondent as well as the learned Additional Government Pleader appearing for the first respondent submit that the property originally belonged to the writ petitioner and her husband.



W.P(MD)No.27581 of 2022

WEB COPY

3. They jointly executed the gift deed in favour of their son by name Jeganathan. The said Jeganathan is said to have sold the property in favour of the second respondent herein. The second respondent in turn had mortgaged the said property in favour of the respondents 3 & 4. In these circumstances, civil suit came to be filed in O.S.No.273 of 2022 on the file of the District Munsif Court, Melur.

4. The learned counsel appearing for the respondents would point out that the petitioner's son filed W.P.(MD)No.25093 of 2022 before the Hon'ble Division Bench. But the same suffered dismissed for default.

5. After considering the objections raised by the learned counsel for R1 & R4, I am of the view that the present writ petition is not maintainable. The petitioner has to necessarily pursue her remedy in the pending suit. Leaving open all her other rights and remedies, the writ petition is disposed of. No costs.

06.12.2022

Index : Yes / No
Internet : Yes/ No
rmi

To
The Sub Registrar,
Melur Sub Registrar Office,
Melur,
Madurai District.



WEB COPY



W.P(MD)No.27581 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.27581 of 2022

06.12.2022