



W.P.No.11095 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11095 of 2023

1.G.Balakrishnan
2.B.Renuka
3.B.Satish
4.B.Sharmila

...Petitioners

Vs

1.The District Registrar,
Tiruppur.
2.The Joint I Sub Registrar,
Tiruppur.
3.Shankar Jagannathan
mentally challenged, rep. through
guardian/father D.S.Jagannathan
4.Sridhar Jagannathan
rep.through Power of Attorney Holder
D.S.Jagannathan
5.Shalini Jagannathan
mentally challenged, rep. through
guardian/father D.S.Jagannathan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the registration of



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preliminary decree dated 28.07.2020 in O.S.No.582 of 2001 on the file of the Additional Subordinate Judge, Tiruppur as document No.3611/2021 before the 2nd respondent is null and void consequently directing the respondents 1 and 2 to remove the entry of document No.3611/2021 as encumbrance in respect of the schedule properties.

For Petitioners : Mr.M.Sivavarthanan

For Respondents 1 & 2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioners and the learned Special Government Pleader accepting notice for the official respondents. Since this Court is directing the first respondent to consider the petitioners' appeal after giving notice to all the parties concerned, notice to the private respondents is dispensed with.

2. The prayer sought for in this Writ Petition is to declare the registration of preliminary decree dated 28.07.2020 in O.S.No.582 of 2001 on the file of the Additional Subordinate Judge, Tiruppur as document No.3611/2021 before the 2nd respondent as null and void



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consequently to direct respondents 1 and 2 to remove the entry of document No.3611/2021 as encumbrance in respect of the schedule properties.

3. Though the petitioners herein have sought for a declaration to declare the registration of a decree as null and void, this Court is of the view that the first respondent can be directed to consider the appeal filed by the petitioners within a time frame.

4. It is needless to point out that whenever a statutory appeal is preferred before the Appellate Authority, there is a duty cast on him to dispose of the same expeditiously. Non-compliance of such a responsibility would amount to dereliction of duties and this Court would be justified in directing the Appellate Authority to dispose of the appeal within a stipulated time, in exercise of its powers under Article 226 of Constitution of India.

5. In the light of the above observations, there shall be a direction to the first respondent herein to dispose of the petitioners' appeal dated



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09.02.2022, if not already disposed of, after giving due opportunity to the petitioners and the private respondents, as well as all the other persons who may be interested in the subject property, on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands ordered. No costs.

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Index:Yes/No

Speaking order/Non-speaking order

To

1.The District Registrar, Tiruppur.

2.The Joint I Sub Registrar, Tiruppur.

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M.S.RAMESH,J.

RS/SNI

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