



W.P.(MD)No.12685 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12685 of 2021

P.Ashokan

... Petitioner

-VS-

1.The Revenue Divisional Officer,
Madurai District, Madurai.

2.K.K. Flats Private Limited,
Represented by its Managing Director,
D.Muthukumar, Flat 1E, Sunflower Apartment,
No.3, Mandapam Cross Road,
Kilpauk, Chennai - 600010.

3.D.Muthukumar,
Managing Director,
K.K. Flats Private Limited,
Flat No.1 K, Wild Flower Apartments,
Old No.10, Mandapam Cross Road, Kilpauk,
Chennai - 600 010.

4.M.Devakavitha, W/o.D.Muthukumar,
Director, K.K. Flats Private Limited,
Flat No.1 K, Wild Flower Apartments,
Old No.10, Mandapam Cross Road, Kilpauk,
Chennai - 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the first respondent to consider and

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pass orders in Appeal No.785 of 2021 filed by the petitioner pending on the file of the first respondent in accordance with law within a time frame as may be prescribed by this Court.

For Petitioner : Mr.Y.Prakash
For R1 : Mr.B.Saravanan
Additional Government Pleader
For R2 : Mr.S.Karunakar
For R3 and R4 : No Appearance
ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to pass orders in the appeal filed by the petitioner in Appeal No.785 of 2021, within the time frame fixed by this Court.

2. Heard Mr.Y.Prakash, learned counsel appearing on behalf of the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing on behalf of the first respondent and Mr.S.Karunakar, learned counsel appearing on behalf of the second respondent. Though the respondents 3 and 4 have been served with notice and their names have also been printed in the cause list, they have not chosen to appear either in person or through counsel.



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3. The case of the petitioner is that the petitioner and the respondents 3 and 4 are the shareholders of the second respondent Company and the respondents 3 and 4 are the Directors of the said Company. The further case of the petitioner is that the properties were purchased in the name of the Company. There is some dispute on the ground that the respondents 3 and 4 are conducting the affairs of the second respondent Company in the manner prejudicial to the minority shareholders. This dispute is said to be pending before the Apex Court and the National Company Law Tribunal [NCLT], Chennai Bench.

4. The grievance of the petitioner is that the property, which was purchased for the second respondent Company is now sought to be knocked off by the respondents 3 and 4, since they have managed to get the Patta for the subject lands in the name of the fourth respondent. When this fact came to light, the petitioner made a representation before the first respondent for the cancellation of the Patta in the name of the fourth respondent and to restore the Patta in the name of the second respondent Company. Since the same was not considered, the present Writ Petition has been filed before this Court.



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5. Taking into consideration the facts and circumstances of the case and the limited relief sought for by the petitioner, there shall be a direction to the first respondent to conduct an enquiry in Appeal No.785 of 2021, by affording an opportunity to the petitioner and the respondents 2 to 4 and pass final orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

NCC : Yes/No
Index : Yes/No
smn2

19.10.2023

To

The Revenue Divisional Officer,
Madurai District, Madurai.



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N.ANAND VENKATESH, J.

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