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W.P.No.37177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.37177 of 2024

Thalamayeammal

... Petitioner

Vs.

1.The District Collector,
Thiruchengode Road,
Namakkal.

2.The Sub-Divisional Officer cum Revenue Divisional Officer,
Mogannur Road,
Namakkal District.

3.B.Babu

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent No.1 & 2 to take action against the third respondent to retrieve the petitioner original document i.e., Settlement deed bearing Document No.553/1996 registered before the Senthamangalam Sub Registrar Office by considering the petitioner representation dated 18.10.2024.

For Petitioner : Mr.M.Guruprasad

For Respondents 1 & 2 : Mr.A.Anandan,
Government Advocate

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ORDER

The petitioner has filed this petition to direct the respondent No.1 & 2 to take action against the third respondent to retrieve the petitioner original document i.e., Settlement deed bearing Document No.553/1996 registered before the Senthamangalam Sub Registrar Office by considering the petitioner representation dated 18.10.2024.

2. The case of the petitioner is that the petitioner's husband namely Pothanayakar died as intestate on 13.01.2021 leaving behind the petitioner and one daughter namely Rajeshwari and the third respondent. The Petitioner's husband executed a gift deed comprised in S.F.No.42/5 measuring to an extent of 0.98 $\frac{3}{4}$ acre in favour of the petitioner vide registered settlement deed dated 08.05.1996, registered as document No.553 of 1996 on the file of Sub Registrar, Sethamangalam. The Petitioner's daughter lodged a complaint with Inspector of Police, Naliyampalayam against the third respondent vide C.S.R.No.276 of 2023 for compelling the petitioner to transfer the properties in his name and thrashed the petitioner out of the house on 09.10.2023. Thereafter, the petitioner gave a detailed



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representation dated 18.10.2024 before the respondents 1 & 2 to take action against the third respondent and retrieve the original settlement deed as well as the other original documents. However, till date, no action was taken by the respondents 1 & 2. Hence, the petitioner has come forward with the present writ petition.

3. Though many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents 1 to 2 to consider the petitioners' representation dated 18.10.2024 and pass appropriate orders on merits and in accordance with law, within a particular time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents 1 & 2 submitted that the enquiry has been fixed on 12.02.2025 and the representation of the petitioner dated 18.10.2024 will be considered by the respondents 1 & 2 on merits and in accordance with law and appropriate orders will be passed.



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5. Heard the learned counsel on either side and perused the materials placed on record.

6. In view of the submission made by the learned counsel on either side, this Court directs the second respondent to consider the petitioner's representation dated 18.10.2024, after conducting a detailed enquiry and pass appropriate orders on merits and in accordance with law by taking into consideration the order passed by this Court in W.P.No.26079 of 2022 dated 20.09.2024 (which is similar to this case), within a period of three months from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and direction. No costs.

05.02.2025

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To:

- 1.The District Collector,
Thiruchengode Road,
Namakkal.
- 2.The Sub-Divisional Officer cum Revenue Divisional Officer,
Mogannur Road,
Namakkal District.



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J.SATHYA NARAYANA PRASAD,J.

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