



W.P.(MD).No.4984 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4984 of 2025

J.Gajalakshmi

... Petitioner

-VS-

- 1.The District Collector,
The District Collector Office,
Dindigul.
- 2.The Secretary,
M.D.A. HSG 32 Thiyagi N.G.R. Co-Operative
Housing Society,
Palani Town,
Dindigul.
- 3.The Sub Registrar,
No.5, Bashkar Complex, 2nd Floor,
Ramamoorthy Road,
Pesan Road, Chinna Sökkikulam,
Madurai.
- 4.The Managing Director / The Registrar,
Tamilnadu Housing Co-Operative Society,
48, Riththarttan Road,
Chennai.
- 5.The Associate Registrar,
Tamilnadu Housing Co-Operative Society,
The District Collector Office,
Dindigul.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to return the original documents of title relating to the property comprised in Survey No. 19/1B1 and Survey No. 29/1 measuring an extent of 17 Acres 70 Cents situated at Palani Town, Palani Taluk, Dindigul District and for other reliefs as fixed by this Court.

For Petitioner : Mr.S.Harish

For Respondents : Mr.K.S.Selvaganesan (R1,R2,R4,R5)

Additional Government Pleader

Mr.R.Suresh Kumar (R3)

Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to return the original documents of title relating to the property comprised in Survey No. 19/1B1 and Survey No. 29/1 measuring an extent of 17 Acres 70 Cents situated at Palani Town, Palani Taluk, Dindigul District.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.



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3. The petitioner is the owner of the subject property vide settlement deed dated 03.06.2013 from her father. The petitioner's father's vendor availed loan by mortgaging the subject property. However, the petitioner's father had settled total outstanding amount and pursuant to that, the petitioner's father was issued with a sale receipt from the second respondent. However, the original documents have not been returned. Due to non availability of the parent documents, the petitioner is not able to proceed any further registration process. With regard to the same, the petitioner made representations to the respondents dated 23.12.2024 and 08.01.2025 before the respondents. Since the said representations were not considered, the petitioner has filed the present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the fourth respondent to consider the petitioner's representations dated 23.12.2024 and 08.01.2025, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

12.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
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