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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10734 of 2025

Ramanujam : Petitioner

Vs.

1. The District Collector,
Thoothukudi
Thoothukudi District.

2. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3. The Sub Registrar,
Kadampur Sub Registrar Office,
Thoothukudi District.

4. Bose : Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent no.2 to take appropriate action to cancel the gift deed dated 30.12.2020 registered at 3rd respondent office in document No.1639/2020 which was executed by the petitioner in favour of 4th respondent by the way of considering the petitioners representation dated 08.03.2025.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.S.Selvaganesan
Addl. Government Pleader for R1 & R2

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Mr.N.Ramesh Arumugam
Government Advocate for R3

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the second respondent to take appropriate action to cancel the gift deed dated 30.12.2020, registered at the office of the third respondent as Document No.1639/2020, which was executed by the petitioner in favour of the fourth respondent, by considering his representation dated 08.03.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3.The petitioner asserts that the fourth respondent is his own brother and that, following the demise of the petitioner's wife, the fourth respondent made a false promise that he and his sons would take care of the petitioner with utmost care. Subsequently, the petitioner executed a

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gift deed dated 30.12.2020 in favour of the fourth respondent. However, after the gift deed was registered in favour of the fourth respondent, he refused to provide such care. In this regard, the petitioner submitted a representation dated 08.03.2025 to the respondents 1 to 3, requesting them to take appropriate action to cancel the gift deed dated 30.12.2020. As no action has been taken, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. 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

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Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 08.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four 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 second respondent to consider the same on its own merits.

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

22.04.2025

Index : Yes / No
Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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