

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17544 of 2010

and

M.P.No.1 of 2010

1.Papayammal (Died)

2.C.Dharmalingam

3.C.Sivalingam

4.C.Sagadevan

...Petitioner

P2 to P4 are substituted as LRs of the
deceased P1 vide order dated 16.07.2019
made in M.P.No.1 of 2015

Vs.

1.The Settlement Officer,
Land Revenue,
Chepauk,
Chennai 600 0005.

2.Chief Secretary/Commissioner,
Land Administration and Land Revenue,
Chepauk, Chennai 600 005.

3.The Tahsildar,
Namakkal Taluk,
Namakkal District.

4.The Commissioner,
Namakkal Municipality,
Municipal Building,
Namakkal.

5.S.Velusamy
S/o.Subbiah.

6.Tmt.S.Lakshmi
W/o.S.Velusamy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records leading to the impugned proceedings passed by the first respondent in Na.Ka.E2/752/08 dated 31.03.2010 and quash the same.

For Petitioner : Mr.C.Jagadish

For Respondents : Mrs.K.Bhuvaneswari for RR1to 3
Additional Government Pleader

M/s.P.Srinivas for R4

O R D E R

This writ petition has filed seeking to quash the proceedings of the 1st respondent in Na.Ka.E2/752/08 dated 31.03.2010.

2.The petitioner's son late C.Ramalingam purchased a property to an extent of 0.0053.5 square meters in T.S.No.3/2 in Block No.22, in Ward D bearing patta No.6044 in Old Survey No.497/55 in Gandhi Nagar, Namakkal Town from V.Lakshmi, wife of Velusamy within the stated boundaries under a registered sale deed dated 20.12.2007 registered as document No.4162 of 2007 in the office of the District Registrar, Namakkal. Originally, the property belongs to one Velusamy, son of Subbiah and the patta and other revenue records stands in the name of Velusamy property taxes are being paid. In the yea 2006, the said Velusamy executed a registered settlement deed in favour of his wife lakshmi and the patta has also been transferred in her favour. The said property was thereafter purchased by the petitioner's son. Since, the petitioner's son died issueless, the petitioner being the only legal heir is in enjoyment and possession of the disputed property. While so, after the purchase of the property, the petitioner received a letter i.e. Impugned proceedings from the 1st respondent dated 31.03.2010 addressed to her deceased son. The impugned order says that the 4th respondent is the petitioner and the vendor viz., Velusamy is the respondent along with two others. It is also stated in the letter that proceedings commenced on 19.11.2009 and ended on 22.02.2010, that is after the death of the petitioners son. Challenging the above said proceedings, the petitioner has filed the present writ petition.

3.Heard both sides.

4.The learned counsel for the petitioner submits that the petitioner's son died as early as on 14.09.2009 and no notice was served on the petitioner being the only legal heir of the

deceased son. He further submitted that proceedings initiated against a dead person and no notice was served on the petitioners. Without giving an opportunity to the petitioner, an order was passed behind the back is unsustainable. Hence, he prays to quash the proceedings passed by the 1st respondent.

5.The learned counsels for the respondents 1 to 4 did not dispute the facts submitted by the petitioner and accepted to remand the matter back to the authority for fresh consideration.

6.In view of the above submission, this Court without going into the merits of the case, inclined to set aside the impugned order dated 31.03.2010 passed by the 1st respondent in Na.Ka.E2/752/08 and the matter is remanded back to the concerned authority for fresh consideration.

7.Accordingly, this writ petition is allowed and the impugned order dated 31.03.2010 passed by the 1st respondent is set aside and the matter is remanded back to the concerned authority for fresh consideration and pass appropriate orders within a period of 12 weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rm

To

- 1.The Settlement Officer,
Land Revenue,
Chepauk, Chennai 600 0005.
- 2.Chief Secretary/Commissioner,
Land Administration and Land Revenue,
Chepauk, Chennai 600 005.
- 3.The Tahsildar,
Namakkal Taluk, Namakkal District.
- 4.The Commissioner,
Namakkal Municipality,
Municipal Building, Namakkal.

+lcc to Mr.C.Jagadish Advocate, S.R.No.67418
+lcc to the Government Pleader, S.R.No.66744

RR(CO)
CB(19/09/2019)

W.P.No.17544 of 2010
and
M.P.No.1 of 2010



WEB COPY