



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2020

CORAM

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.A(MD)No.337 of 2020
and
C.M.P. (MD)No.2296 of 2020**

D.Manikandan

... Appellant/Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Block Development Officer,
Madurai East Panchayat Union,
Madurai District.

3.The Tahsildar,
Adidravidar Welfare Zone II,
Collectorate Campus,
Madurai District.

4.The Panchayat Secretary,
Veerapandi Panchayat,
Madurai East Panchayat Union,
Madurai.

5.M.Manikandan

... Respondents/Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court dated 09.12.2019 in W.P.(MD)No.25660 of 2019.

Prayer in WP(MD). 25660/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to call for the records relating to the impugned order passed by the 2nd respondent in this proceedings in Na.Ka.no.2408/2019/Thee 1 dt 4.11.2019 and quash the same as illegal and consequently directing the respondents not to



cancel the house tax receipt and disconnect the water pipe line in respect of the house in S.no.45/05, 6A,6C plot no.23 situated at Veerapandi village, Madurai District.

For Appellant : Mr.S.T.Sasidharan Tamilkani

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader
for R.1 to R.3

JUDGMENT

[Judgment of the Court was delivered by **M.DURAISWAMY, J.**]

Challenging the order passed in W.P.(MD)No.25660 of 2019, dated 09.12.2019, the writ petitioner has filed the above Writ Appeal. The appellant filed a writ petition in W.P.(MD)No.25660 of 2019 to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings dated 04.11.2019 and quash the same and consequently directing the respondents not to cancel the house tax receipt and disconnect the water pipe line in respect of the house in S.No.45/05 6A 6C Plot No.23, situated at Veerapandi Village, Madurai District.

2. It is the case of the appellant that originally the property in question was allotted to the landless poorer of Adi Dravidars and accordingly it was allotted to one Karuppayi, W/o Maruthamuthu. The said Karuppayi did not have any legal heir and said to have adopted one Chinnasamy, who is her sister's son. The said Chinnasamy had also left the village and the petitioner claims that the subject property was conveyed in his favour through a sale deed executed by the said Chinnasamy.

3. When the property was allotted to Karuppayi, W/o Maruthamuthu, her sister's son viz., Chinnasamy shall not derive title for the said property. When he has no title over the property, the alleged sale made by him in favour of the petitioner cannot be accepted. That apart, the alleged sale deed dated 24.05.2017 alleged to have been executed by the said Chinnasamy is also an unregistered document. Hence, no title had passed on to the petitioner. In the absence of any title or right derived by the petitioner, the petitioner cannot question challenging the order passed by the second respondent dated 04.11.2019. The learned Single Judge, considering all these aspects, rightly dismissed the writ petition. We do not find any merit in the Writ Appeal. Accordingly, the Writ Appeal is dismissed. There shall be no order



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as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Madurai District, Madurai.
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Madurai District.
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- 4.The Panchayat Secretary,
Veerapandi Panchayat,
Madurai East Panchayat Union,
Madurai.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-9380[F] dated 28/02/2020)

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and

C.M.P. (MD)No.2296 of 2020

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JMN(11.03.2020) 3P : 6C