



WP No.27433 of 2009

W.P.No.27433 of 2009

D. KRISHNAKUMAR, J.

This matter is posted today under the caption “ being mentioned”, at the instance of the counsel for the petitioners.

2. The learned counsel appearing for the petitioners submitted that pending writ petition, the sole writ petitioner died and his legal heirs were impleaded as parties in this writ petition. He also submitted that the legal heirs of the deceased writ petitioner are entitled for service and monetary benefits, however, it is omitted to be mentioned in the order passed by this court. Therefore, he prayed for modification of the operative portion of the order to that effect.

3. Accordingly, paragraph No. 5(i) of the order dated 12.11.2021 passed in W.P.No.27433 of 2009 is modified as follows:-

“ 5(i). The legal heirs/ petitioners 2 to 6 herein are permitted to approach the respondents seeking service and monetary benefits of the deceased writ petitioner”

4. In other respects, the earlier order dated 12.11.2021 passed in W.P.No.27433 of 2009, shall stand unaltered.

02.02.2022

mst

Note: Registry is directed to issue a fresh order copy, after making necessary corrections.



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mst

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02.02.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 27433 of 2009

1. M.Athimoolam (Deceased)

2. Vijayalakshmi

3. Jansirani

4. Nareshkumar

6. Kathick Kumaran

..Petitioners

(P2 to P6 substituted as LR's of
deceased sole petitioner vide order
dated 22.10.2021)

Vs

1. The Principal Secretary-cum-The Commissioner
of Survey and Settlement,

Chepauk,

Chennai-600005.

2. The Assistant Director,

Survey and Land Records,

Kancheepuram, Kancheepuram District.

3. The Tahsildar,

Cheyyur Taluk,

Kancheepuram District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Certiorarified mandamus, calling for the entire records pertaining to the order passed by the Assistant Director of Survey and Land Records, Kancheepuram District/2nd respondent here vide proceedings in Na.Ka.E2/10561/09, dated 07.12.2009 and quash the same and direct the respondents to permit the petitioner to continue to officiate as Firka Surveyor.

For Petitioners

: Mr.A.R.Suresh



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For Respondents

: Mr.T.Arun Kumar, GA – R1 to R3

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ORDER

The relief sought for by the petitioners in the writ petition is to call for the entire records pertaining to the order passed by the 2nd respondent vide proceedings in Na.Ka.E2/10561/09, dated 07.12.2009 and quash the same and direct the respondents to permit the petitioner to continue to officiate as Firka Surveyor.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the documents available on record.

3. The learned counsel appearing for the petitioners submitted that the sole writ petitioner had passed away on 31.01.2014, therefore, the present impugned show cause notice challenged by the petitioner does not require any adjudication.

4. The learned counsel appearing for the petitioner further submitted that the legal heirs of the deceased sole writ petitioner are impleaded as parties in the present writ petition and they are entitled to receive the DCRG amount of the deceased writ petitioner as per rules.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing for the petitioners, the



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following directions are issued;

i. The legal heirs/petitioners 2 to 6 herein are permitted to approach the respondent seeking DCRG benefit of the deceased writ petitioner.

ii. On such application is made, the respondents shall consider the same in accordance with law and pass appropriate orders, as expeditiously as possible without any further delay.

6. With the above directions, the writ petition stands disposed of. No costs.

12.11.2021

Index: Yes / No

Internet: Yes

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D.KRISHNAKUMAR, J.
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To

- 1.The Principal Secretary-cum-The Commissioner
of Survey and Settlement,
Chepauk,
Chennai-600005.
- 2.The Assistant Director,
Survey and Land Records,
Kancheepuram, Kancheepuram District.
- 3.The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.

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12.11.2021