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W.P.(MD)NO. 13914 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)No. 13914 of 2020 and
W.M.P. (MD)No.11568 of 2020

Shobankumar

... Petitioner

Vs.

The Tahsildar,
Madurai South Taluk,
District Collectorate,
Madurai District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent vide his proceedings in application No.TN1720200715122 dated 17.08.2020 and quash the same as illegal and consequently directing the respondent to issue Solvency Certificate to the petitioner.

For Petitioner : M/s.M.Palani

For Respondents : Ms.M.Rajeshwari,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of Solvency Certificate in his name.

3. The petitioner's request was rejected by the respondent because the property in question is standing in the name of his father Sivakumar.

4. I have to necessarily sustain the stand of the respondent. But then, the petitioner's counsel informs this Court that the property is an ancestral property and that he is also the legal heir of the same. If that be so, the petitioner's name should be found



place in the revenue record. But as on date, the revenue records shows the name of Sivakumar, father of the petitioner. As and when the petitioner includes his name in the revenue record, it is certainly open to the petitioner to insist on issuance of Solvency Certificate in his name also.

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5. It appears that the petitioner would make a further claim that the property is worth more than Rs.2 Crores. Subject to valuation, if the petitioner's name is also included in the revenue record, the respondent will give Solvency Certificate in the name of the petitioner.

6. With this observation and direction, this writ petition stands disposed of by sustaining the impugned order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Tahsildar,
Madurai South Taluk,
District Collectorate,
Madurai District.

+1cc to Mr.M.Palani, Advocate, Sr.No.1512.

W.P. (MD)No.13914 of 2020
20.01.2021

MJ(CO)
CS(29.01.2021) 2P 3C