



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.20296 of 2021

and

W.M.P. (MD)No.16960 of 2021 & 16959 of 2021

WEB COPY

1.Minor V.Surya

2.Minor V.Nareahn

Petitioners are represented by their next friend

and mother V.Meena

... Petitioners

vs.

1.The District Collector,

Karur District, Karur-693 007.

2.The District Collector,

Kancheepuram District, Kancheepuram - 631 501.

3.The Tahsildar,

Kulithalai Taluk, Kulithalai - 693 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records impugned notice, dated 15.09.2021 issued by the third respondent in R.C.No.A2/317/2018 and to quash the same as arbitrary and illegal.

For Petitioners :Mr.M.V.Seshachari

For Respondents :Mr.D.Ghandiraj
Special Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Certiorari with respect to a notice, dated 15.09.2021 issued by the third respondent/Tahsildar, Kuzhithalai, in R.C.No.A2/317/2018 and to quash the same.

2.Heard Mr.M.V.Seshachari, learned Counsel for the petitioners and Mr.D.Ghandiraj, learned Special Government Pleader appearing for the respondents.

3.The petitioners are two young minor grandsons of one K.Panneerselvam, who died on 20.04.2015. They are represented in this Writ Petition by their mother. It is made very clear that plea of minority or plea of ignorance can never be taken by the petitioners herein, since procedure has been initiated by the second respondent pursuant to a direction of a learned Single Judge of this Court in W.P.No.24010 of 2017, dated 04.01.2018.



4. There was a land in Plot No.236 in S.No.17/1 situated at Thiruvaramangam Nagar, Pillaipakkam Village, Sriperumbudur Taluk, Kancheepuram District, measuring 3245 sq.ft. This had been acquired for SIPCOT in Kancheepuram District. There were rival claims. One of them was the grandfather of the petitioners, K.Pannerselvam. The other one was the Writ Petitioner in W.P.No.24010 of 2017, Saraswathi Ammal.

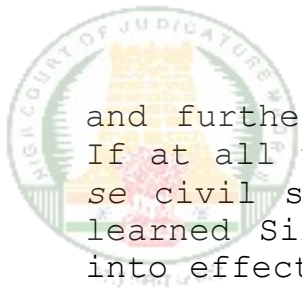
5. During the course of acquisition, compensation was paid and received by the grandfather, K.Panneerselvam. In the said Writ Petition, such receipt of the compensation was interfered with and it was directed that the Writ Petitioner, Saraswathi Ammal, was entitled for the compensation. There was a further direction that the third respondent herein should initiate revenue recovery proceedings for payment of such amount to Saraswathi Ammal. Pursuant to the said direction, the third respondent had issued the impugned notice.

6. The learned Counsel for the petitioner questions the legality of the said notice, since it had been issued in the name of the grandfather, K.Panneerselvam and claims that the petitioners herein, being minors, stand protected and the very fact that the notice had been issued to a dead person, renders the notice non est in the eye of law. However, there is no records to show that the petitioners herein had complied with the directions as aforesaid in the Writ Petition and had voluntarily come forward to pay back the money.

7. There is no record to show that questioning that particular order of the learned Single Judge, a further appeal had been filed. Even if the grandfather was not a party to the said Writ Petition, the Appellate Side Rules of the Madras High Court provided that a third party, directly affected by any order, can still file an appeal. Such steps had not been taken either by the grandfather or by the petitioners herein. The petitioners herein now come and inform the Court that the third respondent can never initiate proceedings against them and take shelter from the fact that the notice had been issued to the grandfather.

8. Since the notice had been issued in the name of a dead person, I would interfere with the said notice, dated 15.09.2021, however, giving necessary permission to the third respondent/Tahsildar, Kuzhithalai, to issue fresh notice to the petitioners herein, represented by their mother and also issue a separate notice to their mother. Accordingly, the said notice is interfered with and set aside.

9. It is also seen that the petitioners herein are the beneficiaries of a Will executed by the said K.Pannerselvam, for the property mentioned above having been bequeathed to them and



and further proceedings must be initiated in manner known to law. If at all the petitioners raise any claim or they initiate an *inter se* civil suit to protect the property, even then the order of the learned Single Judge in the aforesaid Writ Petition should be put into effect by the Tahsildar, Kuzhithalai.

10. Though the impugned notice is set aside, in all other aspects, the Writ Petition is dismissed giving liberty to the respondents to proceed against the petitioners after issuing a fresh notice in manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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MGJ(23.12.2021) 3P 4C