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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.26368 of 2013 &  
M.P.No.1 of 2013

Madurantakam Co-Operative Urban Bank Ltd.,  
Rep.by its Managing Director,  
Mr.S.K.Gunasekaran,  
No.192, Madurantakam,  
Kancheepuram, District - 603 306.

... Petitioner

Vs

1. The Commissioner,  
Madurantkam Municipality,  
Madurantakam - 603 306.  
Kancheepuram District.

2. S.Santhi,  
D/o.Sivanandam,  
No.13/12, BajanaiKoil Street,  
Madurantakam, Kancheepuram District.

3.S.Vasanthi,  
D/o.Sivanandam,  
No.13/12, BajanaiKoil Street,  
Madurantakam, Kancheepuram District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent, Na.Ka.No.1810/2009/A1, dated 28.07.2009, to quash the same and declare that the mutation of name in the names of the respondents 2 and 3 in the municipal records in respect of the landed property comprised of 0.7 cents of land in survey No.GRS 3/88, Madurantakam, and house thereon bearing Door No.12 by the first respondent is illegal, void and without jurisdiction.



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For Petitioner : Mr.G.Punniyakoti

For Respondents : Mr.P.Srinivas for R1

For R2 to R3 : Ms.K.Dhanwanthi for  
Mr.K.Govi Ganesan

### O R D E R

The petitioner has challenged an order dated 28.07.2009 intimating him about the mutation of the municipal records in respect of property in survey NO.GRS 3/88, Madurantakam, and house thereupon bearing Door No.12 in the names of respondents 2 & 3.

2. No counter has been filed in this matter. However, the documents available on record would indicate that the petitioner was successful in O.S.No.14 of 1982. However, he was unsuccessful in executing the aforesaid decree and judgment since E.A.No.332 of 1998 came to be dismissed for default on 09.12.1998 as against which C.R.P.No.3445 of 1999 has been filed which was also dismissed on 27.01.2004.

3. As rightly contended, the impugned order which is adverse to him has been passed without an opportunity of hearing afforded to the petitioner. However, the impugned order does refer to an earlier order dated 04.02.2009, in terms of which the mutation was confirmed. This order has not been challenged by the petitioner.

4. Thus the petitioner is granted liberty to make a representation before the authorities assailing order dated 04.02.2009 within a period of four (4) weeks from today. If such representation is filed within the time as stipulated supra, the same will be decided by R1 after hearing the petitioner and the private respondents.

5. With this direction, this writ petition stands disposed. Consequently connected writ miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

nst/sl



To

The Commissioner,  
Madurantkam Municipality,  
Madurantakam - 603 306.  
Kancheepuram District.

+1cc to Mr.G.Punniyakoti, Advocate SR.No.25549

+1cc to Mr.K.Govi Ganesan, Advocate SR.No.25434

W.P.No.26368 of 2013 &  
M.P.No.1 of 2013

AJS (CO)  
GMY (02/05/2022)