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W.P.No.29125 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29125 of 2022
and W.M.P.Nos.28414 & 28415 of 2022

Thangamani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
The Revenue Divisional Office,
Tiruppur.

2.Rukumani

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records of proceeding of the first respondent made in Na.Ka.736/2021/A2 dated 02.05.2022 and quash the same.

For Petitioner : S.Valarmathi

For Respondent 1 : Mrs.U.Bharanidharan,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for issuance of Writ of



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Certiorari calling for the records of proceeding of the first respondent made in Na.Ka.736/2021/A2 dated 02.05.2022 and quash the same.

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2. The case of the petitioner is that the petitioner is the daughter of one Ramasamy Gownder through his first wife/Ramathal who is no more. Thereafter the said Ramasamy Gownder performed second marriage with one Devathal who has no issues. Subsequently the Ramasamy Gownder performed third marriage with the second respondent and due to the said wedlock they have 3 children. The grievance of the petitioner is that the subject properties comprised in S.Nos.309/1A, 305/3, 313/2A, 313/2C, 307/1 and 309/1E situated at Alagumalai Village, Tiruppur South Taluk are joint family properties and the petitioner has right over the subject property and she has filed a suit in O.S.No.143 of 2005 on the file of Sub-Judge Tiruppur in which the second respondent also party in the suit and the same was dismissed for default and restoration petition has been filed and the suit has been restored. Whiles, the said Ramasamy Gownder died. Hence, the petitioner filed a suit in O.S.No.177/2014 for declaring that the petitioner and defendants 1 to 4 are the legal heirs of the said Ramasamy Gownder and the



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same was also decreed and the petitioner's name was included in the Joint Patta of the subject property. Aggrieved over the same, the second respondent/third wife of Ramasamy Gownder filed an appeal before the first respondent. The petitioner also filed a detailed counter narrating all the facts. However the first respondent without considering the same, passed the impugned order and directed the petitioner and other legal heirs of the said Ramasamy Gownder to appear for enquiry. Hence, this writ petition.

3. Learned Additional Government Pleader appearing for the respondents on instruction submitted that subsequent to the filing of this writ petition, an enquiry dated 16.09.2022 was conducted. After a detailed enquiry, the first respondent passed an order dated 30.09.2022 by cancelling the name of the petitioner, which was included in the Joint patta on the ground that a suit in O.S.No.143 of 2005 on the subject properties has been pending before the Civil Court.

4. In view of the above, the relief sought for in this writ petition cannot be granted. However, liberty is granted to the petitioner to file an appropriate



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application against the order passed by the first respondent in the manner known to law.

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5. Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order : Yes/No

To:

The Revenue Divisional Officer,
The Revenue Divisional Office,
Tiruppur.



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M.DHANDAPANI,J.

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