



W.P.(MD)No.8540 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8540 of 2022

and

W.M.P(MD)No.6282 of 2022

P.Ramachandran

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Special District revenue Officer (Land Acquisition),
National Highways – 785,
District Revenue Office,
Madurai.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai.
- 4.The Tahsildar,
Madurai North Taluk,
Madurai.
- 5.Sundaramahalingam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the Impugned Order in Na.Ka.No.G2/23544/2017 dated 04.03.2022 on the file of the second respondent and quash the same as illegal and consequently for direction for the respondents 2 to 4 not to cancel the pattas in the name of the petitioner in respect of S.Nos.26/7A, 26/7B extent about 0.82 cents situated at S.Alankulam Village, Aanayur-1 bit Village, Madurai North Taluk, Madurai District within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 to R.4

Mr.R.Senthilkumar for R.5

ORDER

Heard the learned counsel on either side.

2. There is no dispute that the property in question originally belonged to one Soundaram Ammal. The said Soundaram Ammal was blessed with six children, namely Sudrammal, Deivanai, Rajeshwari, Mohanasundaram, Lakshmanan, Rajamani. The fifth respondent herein has been wrongly described as Sundaramahalingam. He is Sundaralingam. He is the son of Mohanasundaram. According to the fifth respondent, by virtue of the Varthamana Letter dated 13.10.1988, he is entitled to the entire property. Till date, the legal heirs of Mohanasundaram have not obtain any civil Court's



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decree in their favour. Only if they are able to obtain the civil Court's decree, they can be held entitled to the entire property. Till then, they will have only 1/6th share in the property. Mohanasundaram had purchased from 4 out of the 6 legal heirs of Soundaram Ammal. Therefore, the writ petitioner also cannot claim exclusive ownership over the suit property. When the petitioner has purchased from 4 out of 6 legal heirs of Soundaram Ammal, he will be entitled to 4/6th share. Likewise, subject to the legal heirs of Mohanasundaram obtaining civil Court's decree in their favour, they will be entitled to 1/6th share in the property. Therefore, the property in question will be in the joint names of the legal heirs of Mohanasundaram and legal heirs of Laxmanan and the writ petitioner herein. This will, of course, abide by the outcome of the civil proceedings that may be pending or may be initiated by either of the parties. The impugned order is modified accordingly. The writ petition is disposed of on these terms. Consequently, connected miscellaneous petition is closed. No costs.

24.06.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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