



W.A.No.1054 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1054 of 2023

Lakshmi

.. Appellant

Vs.

1. G.Muniraj

2. The Revenue Divisional Officer
Central Chennai
Ambattur
Anna Nagar West Extension
Chennai.

3. The Tahsildar
Ayanavaram Taluk
Chennai.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 27.03.2023 made in W.P.No.16103 of 2022.



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For the Appellant : Mr.G.Sankaran
Senior Counsel
For Mr.M.P.Saravanan

For the Respondents : Mr.A.E.Chellaiah
Senior Counsel
For Mr.R.Prathapan

Mrs.R.Anitha
Special Government Pleader
for Respondents 2 & 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The appellant is challenging the order passed by the learned Single Judge allowing the writ petition filed by the first respondent and setting aside the order passed by the revenue authority.

2. Learned Senior Counsel for the appellant submits that it was on the directions of this Court, the Revenue Divisional Officer has decided the matter. But, the Revenue Divisional Officer, only on the basis of the documents, had arrived at the conclusion.

3. The learned Single Judge, without adverting to the factual matrix, only on the basis of an exparte decree, to which the present



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appellant was not a party, has set aside the order of the Revenue Divisional Officer. The same is illegal. The revenue authority has powers to decide and take decision regarding the heirship.

4. Learned Senior Counsel for the first respondent supports the order of the learned Single Judge and submits that the appellant is in no way concerned with the father of the present first respondent.

5. The learned Single Judge has not considered the factual matrix nor has decided the issue as to who is the legal heir. We need not dilate on the same.

6. A decree of the civil Court in favour of the first respondent exists today. The same, it appears, is an exparte decree, wherein, the present appellant was not a party. The judgment of the civil Court would bind the revenue authority and not vice versa. In case the present appellant was not a party to the said decree, the appellant can take steps with regard to the said decree.



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7. The learned Single Judge, while passing the order, has observed that the present appellant may work out the remedy before the competent forum in the manner known to law. The present appellant is not without a remedy. The present appellant can take steps as against the decree and may file such proceedings before the civil Court as may be permissible in law with regard to her status, qua heirship. In that event, all contentions would be available to the respective parties.

8. In the light of the above, we are not inclined to consider the present appeal on merits. The writ appeal, accordingly, is disposed of. There will be no order as to costs. Consequently, C.M.P.No.10512 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

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