



W.P.(MD)No.1853 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 1853 of 2021

and

W.P.(MD)No. 1587 of 2021

1.Premkumar

2.Vijayakumar

3.Udhayakumar

4.Jeyakumar

... Petitioners

Vs.

1.The District Collector
Madurai.

2.The District Revenue Officer,
Madurai.

3.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

4.The Tahsildar,
Thirumangalam Taluk,
Madurai District.



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5.D.Baskaran

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... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in Ni.Mu.No. 21279/2016/G5 dated 18.12.2020 and quash the same and consequently direct the respondents 2 to 4 to restore the Patta in the name of the petitioners in respect of the property in S.Nos.1/1 and 1/2 Kannukulam Village, Sathangudi II Bit, Thirumangalam Taluk, Madurai District.

For Petitioners : Mr.J.Gunaseelan Muthaiah

For Respondents : Mr.B.Saravanan - for R1 to R4
Additional Government Pleader

Mr.Kirubakaran - for R5

ORDER

This writ petition is filed to quash the impugned order, dated 18.12.2020 with a consequential direction to the respondents 2 to 4 to restore the Patta which was issued in the name of the petitioners.

2. Heard Mr.J.Gunaseelan Muthaiah, the Learned Counsel appearing for the petitioners, Mr.B.Saravanan, the Learned Additional



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Government Pleader appearing for the respondents 1 to 4, Mr.Kirubakaran, the Learned counsel appearing for the 5th respondent and perused the material documents available on record.

3. The Learned counsel appearing for the petitioners submitted that the Rajammal died on 23.07.2016 itself. An appeal was preferred before the District Revenue Officer against the order, dated 13.04.2016 passed by the Revenue Divisional Officer, Usilampatti. Within a period of three months from the date of passing the aforesaid order, the said Rajammal died. Therefore, the impugned order passed by the District Revenue Officer is against the dead person. Any order passed against the dead person is not sustained in law. After issuing notice to the Legal heirs of the deceased person only the District Revenue Officer can conduct enquiry.

4. Accordingly, the District Revenue Officer is directed to conduct proper enquiry after issuing notice to the Legalheirs of the said Rajammal and also issue notice to the other rival claimants. After hearing all the parties, the District Revenue Officer is directed to pass appropriate speaking order. The said



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exercise shall be completed within a period of Four months from the date of receipt of a copy of the order.

5. With these observations and directions, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No

31.08.2023

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To

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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 1853 of 2021**

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