



W.P.(MD)No.15395 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15395 of 2021

and

W.M.P.(MD).No.110 of 2022

Murugesan

... Petitioner

Vs

1.The District Collector,
Karur,
Karur District.

2.The Sub Collector
/ Revenue Divisional Officer,
Kulithalai, Karur District.

3.The Thasildar,
Kulithalai Taluk,
Karur District.

4.Paalaniyammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to include the petitioner's father name Thirumalai (Late) in the Patta No.2154 for Survey No. 45/2 situated at Ratchandarthirumalai Revenue Village, Kulithalai Taluk, Karur District.

For Petitioner : Mr.R.Murugappan

For R-1 to R-3 : Mr.A.K.Manikkam,
Special Government Pleader

For R-4 : Mr.G.Sridharan



W.P.(MD)No.15395 of 2021

ORDER

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This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to include the name of the petitioner's father in the patta in Patta No.2154, with respect to the subject property.

2. Heard the learned counsel appearing on either side.

3. The case of the petitioner is that the subject property measuring an extent of 0.8 cents was purchased by the father of the petitioner and whereas the patta has been issued in the name of the fourth respondent with respect to the entire extent of property in Survey No.45/2. Therefore, the petitioner made a representation to include the name of the father in the patta along with the name of the fourth respondent. Since the same was not considered, the present Writ Petition has been filed before this Court.

4. The fourth respondent has filed a detailed counter affidavit along with the typed set of papers. On going through the same, it is seen that the petitioner has concealed material facts and has filed this Writ Petition.

5. It is apparent from the materials placed before this Court that the fourth respondent had filed a suit for bare injunction against the father of the petitioner in O.S.No.264 of 2005 and Item No.4 in the schedule property is the



W.P.(MD)No.15395 of 2021

subject matter of property in the present Writ Petition. During the pendency of the suit, the father of the petitioner died and hence, the legal representatives were impleaded and the petitioner was impleaded as the fourth defendant in the suit. This suit was contested and ultimately, the learned District Munsif, Kulithalai, by Judgment and Decree dated 11.12.2017 decreed the suit as prayed for in favour of the fourth respondent. Aggrieved by the same, the petitioner and others filed an appeal before the Sub Court, Kulithalai in A.S.No.10 of 2018 and the appeal was dismissed for default by Judgment dated 12.06.2019.

5. The petitioner has conveniently concealed all the above facts and has filed this present Writ Petition seeking for an innocuous prayer. It is clear that the petitioner has approached this Court with unclean hands without revealing the material facts and the Writ Petition is liable to be dismissed on this ground alone.

6. In view of the above, this Court does not find any merits in this Writ Petition and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

07.11.2023

NCC:yes/no

<https://www.mhcdm.gov.in/judis/index.jspx>

Internet:yes/no

tsg



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W.P.(MD)No.15395 of 2021

N.ANAND VENKATESH, J.

tsg

To

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