



W.P(MD)No.19624 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19624 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

Kandasamy

... Petitioner

Vs.

1.The Authorized Officer Cum Special
Deputy Collector (Revenue Court),
Tirunelveli.

2.The Tahsildar,
Ambasamudram Taluk,
Ambasamudram,
Tirunelveli District.

3.The Executive Officer,
A/m.Ammanatha Swami Thirukovil,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for
the records relating to the proceedings of the 1st respondent in



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P.T.E.P 9/2014 (P.T.492/2005 I.A.27/2010) dated 26.08.2015 and quash the same and consequently restraining the respondents herein in any manner from disbursing the petitioner's possession and enjoyment on the land to the extent of 92 cents in S.No.144/5, Cheranmahadevi Village, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.J.Parekhkumar

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 & R2.
Mr.R.Ragavendran,
Government Advocate for R3.

ORDER

Heard the learned counsel on either side.

2.The case of the writ petitioner is that his father / Subbiah Thevar was cultivating the petition mentioned land that belonged to the third respondent temple. Subbiah Thevar had two wives. One Esakki was born through the first wife whereas the petitioner was born through the second wife. After the demise of Subbiah Thevar and Esakki, the



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petitioner has been cultivating the land since Fasli Year 1411. By the impugned order, the petitioner was dispossessed on 29.10.2015. Challenging the order directing delivery passed on 26.08.2015, the present writ petition came to be filed.

3.The writ petition was listed for admission only on 29.10.2015. On the same day, the petitioner had been dispossessed. The learned counsel for the petitioner would claim that he could not have made liable for the arrears left by Esakki. That is beside the issue. The impugned order is only a consequential proceeding. On 25.05.2006, an order was passed against the writ petitioner. E.P was filed in the year 2010. In the typed set of papers, the petitioner enclosed a copy of the summon dated 08.06.2015 calling upon him to appear on 24.07.2015 for enquiry. The petitioner ought to have challenged the primary order. Without doing so, challenge against the consequential order will not lie. The writ petition is liable to be dismissed as infructuous at the very inception. The primary order quantifying the arrears was not put to challenge. Only on account of non-payment of the quantified arrears, dispossession order came to be passed. There is no merit in the writ petition and it stands



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dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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