



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24142 of 2019

and

WMP(MD)Nos.20733, 20734 of 2019 & 3501 of 2020

N.Subbiah

... Petitioner

Vs.

1.The District Revenue Officer,
Maduria District, Madurai.

2.Rajammal

3.Ramasamy

4.Ravi

5.Chandra

6.Rengasamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceedings in Ni.Mu.No.54745/2016/G.5 dated 23.07.2018 and quash the same and consequently direct the first respondent herein to restore the petitioner's mother's name in the patta in respect of the properties in S.Nos.3/2B (to an extent of 0.03.5 acres) and 3/8 (to an extent of 0.04.0 ares) in Sivarakkottai Village, Kallikudi Taluk, Madurai District.



For petitioner : Mr.K.Hemakarthikeyan

For Respondents : Mr.S.Ra.Ramachandran
Additional Government Pleader for R1
Mr.N.Muniraj for R2 to R4 and R6

R5 Tapal returned

ORDER

Heard both sides.

2.One Alagarsamy filed a petition before the District Revenue Officer, Madurai District seeking correction in the revenue record. According to him, the mistake had occurred during UDR. Alagarsamy was aggrieved by the incorporation of the name of Seethalakshmi Ammal in the revenue record. Notice was issued in the name of Seethalakshmi Ammal. Alagarsamy's application was allowed on 23.07.2018. Questioning the same, this writ petition came to be filed.

3.Seethalakshmi Ammal died way back in the year 1996. It is well settled that a decree passed against a dead person is nullity. The same principle will equally apply to administrative orders. Alagarsamy ought to



have brought the legal heirs of Mrs.Seethalakshmi Ammal on record. On this sole ground, the matter is remitted to the file of the first respondent. The first respondent will issue notice to all legal heirs of Seethalakshmi Ammal and after hearing both the parties, pass order on merits and in accordance with law. It is made clear that I have not gone into the merits of the matter. The fifth respondent is no more. The petitioner has filed petition for impleading the legal heirs of fifth respondent. But since the other private respondents have adequately represented, notice to them is dispensed with.

4.This writ petition is allowed accordingly. No costs. Connected miscellaneous petitions are closed.

25.09.2023

Index : Yes / No
Internet : Yes/ No
skm

To

1.The District Revenue Officer,
Maduria District, Madurai.



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G.R.SWAMINATHAN, J.

skm

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