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W.P.No.5475 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.5475 of 2018
and W.M.P.No.6761 of 2018

K.Elumalai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Secretary,
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Villupuram District,
Villupuram.

3.The Tahsildar,
Gingee Taluk, Gingee,
Villupuram District.

4.The Village Administrative Officer,
Vadavanur Village,
Gingee Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying
for issuance of Writ of Declaration to declare the reclassification of the



W.P.No.5475 of 2018

petitioner's land with an extent of 86 cents in survey No.9/2, in Vadavanur Madura, Thottiyur Village, Gingee Taluk, Villupuram District, from Natham to Government Poramboke is without authority of law and thereby illegal and void, and consequently direct the respondents to restore the original classification of the petitioner's land as Natham as per the re-survey and re-settlement register of the year 1926.

For Petitioner : M/s.Paul and Paul
(Memo filed)

For Respondents : M/s.M.Jayanthi,
Additional Government Pleader

ORDER

This writ petition has been filed to declare the reclassification of the petitioner's land with an extent of 86 cents in survey No.9/2, in Vadavanur Madura, Thottiyur Village, Gingee Taluk, Villupuram District, from Natham to Government Poramboke is without authority of law and thereby illegal and void, and consequently direct the respondents to restore the original classification of the petitioner's land as Natham as per the re-survey and re-settlement register of the year 1926.



W.P.No.5475 of 2018

WEB COPY

2. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that he has no instruction from the petitioner and he has also filed a memo dated 25.07.2024 to that effect. For better appreciation, the relevant portion of the order is extracted hereunder:

“1.Since, we were informed by the petitioner's son Mr.Mohan Raj that the petitioner has passed away, we sought time before this Hon'ble Court on 02.07.2024 to substitute the legal heirs and consequently, this Hon'ble Court was pleased to adjourned the matter to 16.07.2024 for the purpose of filing the required applications. Thereafter, when we contacted Mr.Mohan Raj several times, he had not provided any of the details nor have furnished the death certificate of Mr.K.Elumalai and the legal heir certificate issued by the competent authority. Again on 16.07.2024, at our request this Hon'ble Court was pleased to adjourned the matter to 25.07.2024 for getting instructions.

2. Subsequently, we again sent a letter dated 16.07.2024 to Mr.Mohan Raj requesting to come to our office along other legal heirs at the earliest before the next date of hearing, with the death certificate of Mr.K.Elumalai, the legal heir certificate



WEB COPY



W.P.No.5475 of 2018

issued by the competent authority and other related documents in connection to the present case. Despite the same, there was no response from Mr.Mohan Raj.

3. We therefore report before this Hon'ble Court that there is no instruction for us connection to the present case from the petitioner's side."

3. Recording the aforesaid memo dated 25.07.2024 filed by the learned counsel for the petitioner, this Writ Petition is dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petition is closed.

25.07.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

1.The Secretary,
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Villupuram District,
Villupuram.

Page No.4 of 6



W.P.No.5475 of 2018

3.The Tahsildar,
Gingee Taluk, Gingee,
Villupuram District.

WEB COPY

4.The Village Administrative Officer,
Vadavanur Village,
Gingee Taluk,
Villupuram District.

J.SATHYA NARAYANA PRASAD,J.

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W.P.No.5475 of 2018



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W.P.No.5475 of 2018

25.07.2024