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W.P.(MD)NO.10067 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10067 of 2020 AND

W.M.P.(MD)No.8969 of 2020

Alagar

... Petitioner

Vs.

1. The District Collector,
Collectorate Building, Dindigul.
2. The Block Development Officer,
Block Development Office,
Sannarpatti, Dindigul District.
3. The Tahsildar,
Dindigul East, Dindigul District.
4. Rajendran(Died)
5. R.Eswari
6. Selvi.R.Anusha
7. Selvi.R.Suba



8.Minor.R.Raja

(Minor 8th respondent is rep. Through his mother
and natural guardian and R-5 R.Eswari)

(R-5 to R-8 are impleaded vide order dated
30.03.2023 in W.M.P.(MD)No.1210 of 2021)

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent in Na.Ka.No.20542/2019/D1 dated 08.07.2020 and quash the same as illegal and consequentially direct the respondents to issue patta to an extent of 1 acre and 51 cents in Survey No.847/3 situated at Koovanuthu Village, Dindigul District in favour of the petitioner.

For Petitioner : Mr.V.Ilanchezian
For R-1 to R-3 : Mr.S.Kameshwaran,
Government Advocate.
For R-5 to R-8 : Mr.N.S.Karthikeyan

* * *

ORDER

Heard both sides.

2. I consciously refrain from going into the merits of the matter because the private respondents have given consent through their counsel that they will not have any objection for restoration of



O.S.No.486 of 2011 on the file of the Additional District Munsif, Dindigul and contesting the same on merits.

3. It is seen that in respect of the petition-mentioned property, the petitioner's father Mookan filed O.S.No.486 of 2011. The fourth respondent Rajendran who is no more was the sole defendant in the suit Mookan passed away in the year 2015. The suit suffered dismissal for default on 11.07.2016.

4. The petitioner is permitted to file an application for setting aside the abatement and for restoration of the suit. The petitioner will have to file quite a few applications; he must implead the State of Tamil Nadu represented by the District Collector, Dindigul; he will have to seek setting aside the abatement; since the sole defendant passed away, he must bring the legal heirs of the deceased defendant on record. All these applications can be filed and there is no need to file any condone delay petition. If the petitioner files proper application within a period of five weeks from the date of receipt of a copy of this order, the Court below shall number the same and issue notice to the respondents in the IAs and after they are duly served, allow the same without reference to



limitation. In other words, the suit will be restored to file. A decision on merits will be taken by the trial Munsif. All the contentions of both the parties are left open. I make it clear that I have not gone into the merits of the matter. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The District Collector,
Collectorate Building,
Dindigul.
2. The Block Development Officer,
Block Development Office,
Sannarpatti, Dindigul District.
3. The Tahsildar,
Dindigul East, Dindigul District.



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G.R.SWAMINATHAN,J.

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