



W.P(MD)No.12752 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12752 of 2022

and

W.M.P(MD)Nos.9041, 9043 of 2022

& 19098 of 2023

1.M.Baskaran

2.Jansirani

... Petitioners

Vs.

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

2.The Tahsildar,
Madurai North Taluk Office,
Madurai District.

3.P.Ramasamy (Died)

4.A.Boopathy

5.Thavamani

6.Senthil



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7.Gowri

*(The legal heirs of R.3 were suo motu
impleaded as R.5 to R.7 vide order of
this Court dated 15.12.2023)*

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ni.Mu.No.36122/2015/G5 dated 22.02.2019 and quash the same as illegal and consequently direct the respondents 3 and 4 not to interfere the petitioner's peaceful possession and enjoyment of the property in old Survey No.206/1 and U.D.R.S.No. 65/1.

For Petitioners : Mrs.S.Vanitha

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R.1 & R.2

Mr.L.Siva for R.5 to R.7

ORDER

Heard both sides.

2.Thiru.P.Ramasamy who is no more and who was originally shown as the third respondent in the writ petition submitted a petition dated 06.08.2015 before the District Revenue Officer, Madurai for making correction in the UDR. His request was accepted and



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proceedings dated 22.02.2019 was issued. Challenging the same, the present writ petition came to be filed.

3.The case of the petitioners is that they had purchased the property from Boopathy in the year 2008. The said Boopathy had in turn purchased the property from one Paapu @ Pechiyammal in the year 2002. The case of the contesting respondents is that the property originally belonged to Sukkuru Periya Kaluva Thevar. He had three sons, namely, Sukkuru Thevar, Muthuveyandi Thevar and Paramasamy Thevar. There appears to have been a partition among the three sons 1959. It is a registered document. The case of the petitioners is that Muthuveyandi Thevar was given 13 cents where as Parasamy Thevar was given 30 cents. Paramasamy had two children, namely, Paapu @ Pechiyammal and Ramasamy. Ramasamy was given in adoption to Muthuveyandi Thevar. Paramasamy Thevar had executed settlement deed in favour of his daughter Paapu @ Pechiyammal in the year 1988.

4.The case of Ramasamy is that the revenue record ought to have reflected the names of both Muthuveyandi Thevar as well as Paramasamy Thevar in consonance with the terms of the partition deed of the year 1959.



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5.Though I am swayed by the submissions advanced by the learned counsel appearing for the private respondents, I have to interfere for the simple reason that before passing the impugned order, the writ petitioners were not put on notice. On the ground of violation of principles of natural justice, the impugned order is set aside. The matter is remitted to the file of the first respondent. The first respondent will issue fresh notices to the writ petitioners as well as the private respondents (respondents 5, 6, 7). Proper enquiry shall be conducted and final order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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



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2.The Tahsildar,
Madurai North Taluk Office,
Madurai District.



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G.R.SWAMINATHAN,J.

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