



W.P(MD)No.19937 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19937 of 2022

and

W.M.P(MD)No.14513 of 2022

M.Jeyaprakash

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.

3.The Tahsildar,
Andipatti,
Theni District.

4.A.Solaiammal

... 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 third respondent herein in his proceedings vide Na.Ka.

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No.1457/2017/Aa1 dated 29.03.2022 quash the same and direct the respondent to restore the petitioner's father name in the revenue records like Patta, Chitta etc., in the property comprised in Survey No.981/3 situated at Kadamalaikundu Village, Aandipatty Taluk, Theni District.

For Petitioner : Mr.K.Kevinkaran

For Respondents : Mr.P.Thambi Durai
Government Advocate
for R.1 to R.3

Mr.A.Mohan for R.4

ORDER

Heard both sides.

2.The fourth respondent submitted a petition dated 06.06.2017 before the Tahsildar, Andipatti for mutation of patta in her favour. One Maharajan, the petitioner's father was the incumbent pattadhar. The fourth respondent's petition was accepted and mutation was ordered to effected accordingly. But the direction was that the incumbent pattadhar's name should be deleted and the name of one Veerammal should be entered. Challenging the same, this writ petition came to be filed.

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3.The learned counsel for the petitioner submitted that the impugned order has been passed in violation of the principles of natural justice. The learned Government Advocate for the respondents 1 to 3 submitted that notice was issued to Maharajan, the petitioner's father on 03.10.2017. Maharajan appeared for enquiry and took time and thereafter failed to appear. When the order passed on 29.03.2022, Maharajan was not alive.

4.In normal circumstances, I would have set aside the impugned order and directed holding of fresh enquiry. I did not do so in this case for the simple reason that A.S No.6 of 1997 filed by Maharajan against Veerammal and Chinakaruppan @ Ashok was dismissed by the Sub Court, Periyakulam on 15.10.2001. Chinnakaruppan was none other than the husband of the fourth respondent. Veerammal is the fourth respondent's mother in law. Challenging the said dismissal of the first appeal, Maharajan filed Second Appeal. But it has not been processed. Though the impugned order came to be passed against a dead person, it is in consonance with the civil court's decree. Therefore, the petitioner has to obtain his remedy only in the pending Second Appeal. So long as the



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decree dated 15.10.2001 in A.S No.6 of 1997 is holding the field, the
impugned order cannot be interfered with.

5.This writ petition stands dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

22.04.2024

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

SKM

To

1.The District Collector,
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Theni.

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Theni District.

3.The Tahsildar,
Andipatti,
Theni District.



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G.R.SWAMINATHAN, J.

SKM

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