



C.M.P.(MD)No.15235 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

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CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

C.M.P.(MD)No.15235 of 2024

in

W.A.(MD)SR.No.78258 of 2024

Shanthi

... Petitioner / Appellant

-VS-

1.The Executive Officer,
Arulmighu Kathali Narasinga
Perumal Temple,
HR & CE Department,
Ammaiyanaickanoor,
Nilakkottai-624 208,
Dindigul District.
Respondent

... 1st Respondent / 1st
/ Petitioner

2.G.Rajesh Kanna

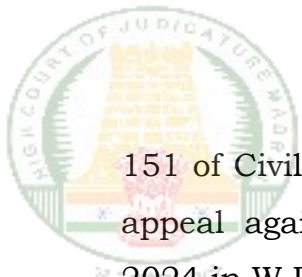
3.The District Collector,
Collector Office,
Madurai.

4.The Joint Commissioner,
HR & CE Department,
Plot No.49, M.R.B.Nagar,
Ammayanaickanoor,
Nilakkottai-624 289,
Dindigul District.

5.The Tahsildar,
Taluk Office, T.Vadipatti,
Madurai District.

... Respondents 2 to 5 /
Respondents 2 to 5 / Respondents 1 to 4

PRAYER in C.M.P.(MD)No.15235 of 2024: Petition filed under Under Section
<https://www.mhc.tn.gov.in/judis>



C.M.P.(MD)No.15235 of 2024

151 of Civil Procedure Code, 1908, to grant leave to the petitioner to file the writ appeal against W.M.P.(MD)No.17111 of 2024 in Rev.Aplw(MD)SR.No.60634 of 2024 in W.P.(MD)No.2973 of 2023.

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PRAYER in W.A.(MD)No.SR78258 of 2024 : Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 28.08.2024 passed in W.M.P.(MD)No.17111 of 2024 in Rev.Aplw(MD)SR.No.60634 of 2024 in W.P.(MD)No.2973 of 2023.

For Petitioner : Mr.S.Krishna Kumar

For R-3 to R-5 : Mr.P.T.Thiraviyam,
Government Advocate

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The petitioner seeks leave to challenge the order passed in W.M.P.(MD)No. 17111 of 2024. The said application was filed seeking condonation of delay in filing review. Since the review petitioner sought for a very minor correction in the order, the writ Court allowed the application in the condone delay stage itself and directed at the last sentence in the main order to be replaced. By the main order dated 07.06.2023, the writ Court directed registration of a document executed by the writ petitioner Mr.G.Rajesh Kanna, finding that the title of the mother of the writ petitioner has been declared by this Court in S.A.(MD)No.632 of 1997 by judgment dated 25.10.2018.

2. It is the grievance of the petitioner that the brother, the second

<https://www.mhc.tn.gov.in/judis>



C.M.P.(MD)No.15235 o

respondent herein had suppressed the existence of the other legal heirs. It is also stated that another sister of the petitioner has filed a partition suit, and the same is pending at the numbering stage. Registration of a document by one of the legal heirs by itself will not affect the title of the other legal heirs if they are entitled to any right over the property. We make it clear that the registration of any document executed by the second respondent will not affect the rights of the petitioner or the other legal heirs of Saraswathi Ammal with whom the property had vested.

3. Therefore, this petition is dismissed. The Writ Appeal in W.A. (MD)No.SR78258 of 2024 stands rejected in the SR stage itself. There shall be no order as to costs.

[R.S.M., J.]

[L.V.G., J.]

24.10.2024

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

To

1.The District Collector,
Collector Office,
Madurai.

2.The Joint Commissioner,
HR & CE Department,
Plot No.49, M.R.B.Nagar,
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

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