



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 35845 of 2025

K.Prathiba

Petitioner(s)

Vs

1.The Commissioner
Avadi Municipality, Avadi.

2.A.Muniyandi

[R2 Impleaded vide order dated 15.12.2025
made in WMP.42971/2025 in WP.35845/2025]

Respondent(s)

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India to issue writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.07.2025 with regard to change of name in the revenue records of Avadi Municipality from the name of Pushparani to the name of the petitioner and her sister Usha.

For Petitioner(s): Mr.G.S.Mani
For Mr.R.Srinivasan

For Respondent(s): Mr.RA.Gopinath For R1



ORDER

The petitioner has come forward with this writ petition alleging that the respondents are refusing to transfer the property tax records from the name of her mother, Mrs.Pushparani, to her name.

2. The petitioner pleaded that Mrs.Pushparani married one Mr.Kumara Guru and brought forth into this world three children, namely;

- (i) Mrs.Usha,
- (ii) Mr.Senthil and,
- (iii) Mrs.Parthiba, the petitioner herein.

3. The petitioner pleaded that her father Mr.Kumara Guru passed away on 24.10.2012 and her brother Mr.Senthil passed away on 13.02.2025. She added that her mother passed away on 12.02.2024.

4. According to the petitioner, the property situated at Door No.14/13, Anna Nagar Main Road comprised in Survey No.156/1A, Pattabiram measuring 3800 Sq.ft together with a tiled house for 1000 Sq.ft, belonged to her mother Mrs.Pushparani. She pleaded that she approached the respondents on 15.07.2025 seeking mutation of the property tax records from the name of Mrs.Pushparani to her name. As the respondents had not imitated any action on



her representation, she has come forth before this Court for a writ of mandamus.

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5. Taking note of the allegation in the affidavit, I called upon Mr.RA.Gopinath, learned counsel for the 1st respondent to state the reason as to why the Municipality was not effecting the mutation, which is normal in the course of events. The petitioner's mother was shown as the owner of the property and on her death, the petitioner succeeds to the estate and is automatically entitled to have her name mutated. Mr.RA.Gopinath submitted that he will obtain instructions and report to this Court.

6. When the matter was taken up on 24.09.2025, Mr.RA.Gopinath reported that the petitioner's mother has been involved in a prolonged litigation over the property, which is the subject matter of the writ petition and lost the matter till the Principal District Judge at Chengalpattu. In order to enable him to state all these facts by way of a counter affidavit, I adjourned the matter. Thereafter, one Mr.A.Muniyandi, who was the plaintiff in the civil proceedings, filed an impleading application in W.M.P.No.42971 of 2025. Going through the averments made in the affidavit, I found that he is a necessary party to be impleaded in the writ proceedings. Hence, I impleaded him and listed the matter today for hearing.



7. Heard Mr.G.S.Mani, learned counsel for the petitioner and Mr.RA.Gopinath, learned counsel for the 1st respondent.

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8. The claim of the petitioner, as pointed out above, is very simple one. The Property, which is the subject matter of this writ petition belonged to her mother Mrs.Pushparani. Mrs.Pushparani had gone to meet her maker and hence the petitioner is entitled to succeed to the estate. However, as seen from the affidavit filed in typed set filed by the Mr.A.Muniyandi, it becomes clear that the said Mr.A.Muniyandi had instituted a suit for specific performance of an agreement of sale, against Mrs.Pushparani, at least 35 years ago in O.S.No.81 of 1990 on the file of the Subordinate Judge at Poonamallee. This suit was decreed as prayed for. The petitioner's mother had carried the matter in an appeal in A.S.No.26 of 2000, before the Principal District Judge at Chengalpattu. The appeal was dismissed confirming the decree of specific performance on 14.08.2001.

9. Thereafter, Mr.A.Muniyandi, being the decree holder, presented an execution petition in E.P.No.124 of 2005 on the file of the Subordinate Judge. Pursuant to the orders of the Executing Court, he got a sale deed executed, through the process of Court, in his favour. The execution petition, though filed in 2005, it came to be disposed of only in 2012.



10. Since Mrs.Pushparani continued to remain in possession of the property, the decree holder took out an application to get physical possession of the property. This was in E.A.No.137 of 2012. Mrs.Pushparani had contested the proceedings by filing several applications. Finally, an application was filed by her in E.A.No.92 of 2013. In addition, the decree holder had filed applications seeking orders of the Court to break open the premises and also for Police Aid to take possession of the property. There were in applications E.A.Nos.90 and 91 of 2013. The Executing Court, by an order dated 17.07.2013 dismissed the application filed by Mrs.Pushparani and ordered the applications filed by the successful decree holder. Consequent to these orders, possession of the property was taken by Mr.A.Muniyandi on 26.07.2013. Thereafter, the execution petitions were closed.

11. The aforesaid facts goes to show that Mr.A.Muniyandi and Mrs.Pushparani had litigated from 1990 till 2013 and finally, Mr.A.Muniyandi got possession of the property through the process of Court. Mrs.Pushparani was alive till 2024. She did not take any steps to challenge the decree of the Appellate Court in A.S.No.26 of 2000, by way of a Second Appeal. Having lost their right, title and possession over the property in civil proceedings, suppressing all these facts, an innocuously worded writ proceeding has been



presented to this Court. This only shows that the petitioner seeks to revive a litigation, which her mother has been lost at least a decade and two years earlier.

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12. The petitioner has deliberately suppressed the entire civil proceedings, which has taken place from 1990 to 2013 in the affidavit. The attempt is obviously to create records, in order to thwart and throw spokes into wheels of the 2nd respondents.

13. Mr.G.S.Mani, states that the petitioner was not aware of any of the civil proceedings, as post her marriage, she settled with her husband elsewhere. I am not willing to accept this patently false plea. The property is not a vacant land. The photographs produced by Mr.RA.Gopinath shows a sprawling superstructure exists over the property. This shows that the petitioner has deliberately feigned ignorance of the earlier proceedings and initiated this writ petition. A litigant is required to approach the Court with clean hands. If not, the petitioner would have to suffer the consequences of such material suppression.

14. I should point out that, since Mr.RA.Gopinath had pleaded about the civil proceedings, I had called for the entire records from the file of the Subordinate Judge, Poonamallee. It is only thereafter the attempted fraud that was tried to be played on this Court was revealed.



15. Suppression of material facts and thereby attempting to grab an order from this Court must be put down with iron hands. The attempt of the petitioner in seeking to obtain orders by way of a writ petition, after conclusion of the civil proceedings, is a sheer abuse of the process of Court.

16. In light of the above discussions, I find no merit in this writ petition. Accordingly, the Writ Petition is dismissed with cost of Rs.1,00,000/-. This cost should be paid in equal measures to the respondents. The petitioner is granted four weeks time to make the payment to the respondents. In default, the 1st respondent is permitted to initiate such proceedings, as is open to it, including invoking the provisions of the Tamil Nadu Revenue Recovery Act, 1894 and recover the same. The 2nd respondent can file an Execution Petition to recover his shares.

17-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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Note: Registry is directed to send back the records to the Subordinate Court, Poonamallee.



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To

The Commissioner
Avadi Municipality,
Avadi.



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V.LAKSHMINARAYANAN J.

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