



W.P.(MD)No.11992 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.11992 of 2025
and
W.M.P.(MD)Nos.8827 and 8912 of 2025

N.Shunmugavel

... Petitioner

-VS-

1.The Commissioner,
Madurai Corporation, Madurai.

2.The Assistant Commissioner,
Zone-3, (Central),
Office of the Assistant Commissioner
Melamarret Veethi, Madurai.

3.S.Paramasivam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the Impugned Order passed by the second respondent vide his proceedings in 115/101/1/24-25/0008164, dated.18.10.2024 and quash the same as illegal and restore the same into earlier position.

For Petitioner : Mr.D.Senthil



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For R1 and R2 : Mrs.S.Devasena
Standing Counsel

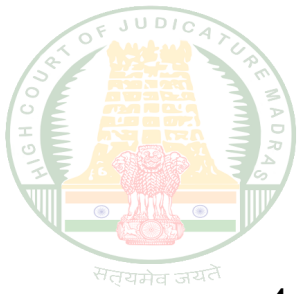
For R3 : Ms.K.M.Priscilla Jancy

ORDER

The petitioner is before this Court challenging the unilateral cancellation of his name with respect to the property in question.

2. This Writ Petition has been filed to quash the impugned order passed by the second respondent, dated 18.10.2024, bearing reference No. 115/101/1/24-25/0008164.

3. The specific case of the petitioner is that the land in question originally belonged to his mother. After her demise, the property was partitioned among the petitioner and his two brothers, namely, N.Muthuvel and N.Murugavel. It is submitted that there was partition based on a family arrangement. Pursuant to this arrangement, a sale deed was executed by his brother Muthuvel on 16.02.1998 in favour of the petitioner's wife and son. However, the said sale deed was unilaterally cancelled by Muthuvel vide Document Nos.2320 of 1998 and 2321 of 1998.



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4. In light of the above, a civil suit was filed by the petitioner's wife and son in O.S.No.53 of 1999 on the file of the District Munsif Court, Madurai, against Muthuvel, who had executed the aforementioned sale deed and later cancelled it. The suit was decreed by the trial Court on 14.07.1999. Despite the decree, the petitioner's brother Muthuvel executed another sale deed in favour of one Sankaramoorthy on 01.08.2006, which was subject matter of O.S. No.481 of 2006. The said suit was also decreed on 06.10.2012 in favour of the petitioner's wife and son. Despite the decree, the third respondent appears to have purchased the property. Similarly, another extent of 11 cents was also purchased by the third respondent during the pendency of the civil suits.

5. It is, in the context of a sale deed dated 13.02.2024, the impugned order came to be passed. Although the learned counsel for the third respondent contends that the decree was obtained without impleading the third respondent in the earlier proceedings, the fact remains that the impugned order was passed by the second respondent without issuing notice to the petitioner. Therefore, the cancellation effected by the impugned order is liable to be interfered with. The rights of the parties will remain subject to adjudication in the appropriate civil



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proceedings that may be initiated by the third respondent before the competent civil Court.

6. Accordingly, the Writ Petition is allowed, with the above caveat. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

11.06.2025

To:-

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- 2.The Assistant Commissioner,
Zone-3, (Central),
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C.SARAVANAN, J.

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