



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.17622 of 2015

H.Sulthan Khan

...Petitioner

Vs.

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

2.The Tahsildhar,
Madurai, Madurai District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to complete the enquiry pursuant to the proceedings of the first respondent in Na.Ka.No.1488/12/N, dated 06.03.2012 relating to restoration of Old Patta Nos.344, 660(New Patta Nos.412, 311) in Old S.F.Nos.209/1, 209/5, 210/3, 210/1, 219/7, 227/5(New SF.Nos.68/1, 69/1, 78/7, 86/5, 68/5A, 68/5C) in Madurai North Taluk, Sirudhur Village, Madurai District relating to issuance of joint patta in the name of the petitioner's mother and others as it was existence in the earlier joint patta and pass appropriate orders within the time frame fixed by this Court.

For petitioner : Mr.S.Mohamed Kadhar
For Respondents : Mr.M.Murugan,
Government Advocate

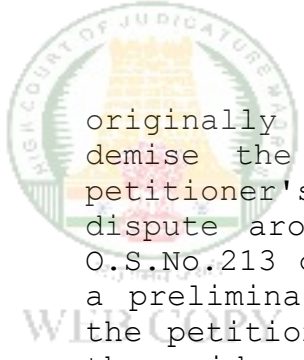
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to complete the enquiry pursuant to the proceedings of the first respondent in Na.Ka.No.1488/12/N, dated 06.03.2012 relating to restoration of Old Patta Nos.344, 660(New Patta Nos.412, 311) in Old S.F.Nos.209/1, 209/5, 210/3, 210/1, 219/7, 227/5(New SF.Nos.68/1, 69/1, 78/7, 86/5, 68/5A, 68/5C) in Madurai North Taluk, Sirudhur Village, Madurai District relating to issuance of joint patta in the name of the petitioner's mother and others as it was existence in the earlier joint patta and pass appropriate orders within a stipulated time.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the landed property in Old Patta Nos.344, 660(New Patta Nos.412, 311) in Old S.F.Nos.209/1, 209/5, 210/3, 210/1, 219/7, 227/5(New SF.Nos.68/1, 69/1, 78/7, 86/5, 68/5A, 68/5C) in Madurai North Taluk, Sirudhur Village, Madurai District,



originally belonged to the grandfather of the petitioner. After his demise the above mentioned property was in joint possession of the petitioner's mother by name H.Mahaboob Beevi and others. Subsequently, dispute arose between the legal heirs and hence, a suit was filed in O.S.No.213 of 1973 on the file of the Sub-Court, Madurai. In which a preliminary decree was passed in the year 1976. Based on the same, the petitioner's mother was in possession and enjoyment of a portion of the said property and thereafter, the mother of the petitioner has got patta in her favour. While so in the year 1989, the brothers of the petitioner's mother Abdul Hameed Khan and Majeed Khan had got patta in favour of them in respect of the above mentioned landed properties as per U.D.R survey behind the back of the petitioner and without notice to them. When the petitioner came to know about the same, the petitioner has made a representation, dated 27.02.2012 to the first respondent seeking for restoration of patta in the name of his mother and others. On receipt of the same, the first respondent by his proceedings Na.Ka.No.1488/12/N, dated 06.03.2012, directed the second respondent to conduct field inspection through Taluk Surveyor along with recommendation and sketch with sub-division and RTR file relating to change of patta. Thereafter, finally the first respondent conducted an enquiry and in which the petitioner has submitted his statement with detailed representation, dated 25.06.2015. Since the same was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Now the present Writ Petition has been filed only on the contention that enquiry is pending from the year 2012 and hence a direction may be issued to the first respondent to complete the enquiry within a specified period.

6. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the matter, this Court directs the first respondent to complete the enquiry and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the first respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar -Writ

/TURE COPY/

Sub Assistant Registrar

pm
To

1. The Revenue Divisional Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai,
Madurai District.



2.The Tahsildhar,
Madurai,
Madurai District.

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 58111

WEB COPY

JAM /13.10.2015/ AAL-MPA/3P-4C

W.P (MD) .No.17622 of 2015

30.09.2015