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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.06.2016
CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

Writ Petition (MD). No.10441 of 2016

Mohammed Faizal

... Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 2nd Respondent to conduct enquiry and pass final orders in the petitioner's patta transfer revision petition dated 20.04.2016 and 03.05.2016 on the file of the 2nd Respondent within time frame fixed by this Hon'ble Court.

For Petitioner :Mr.S.A.Ajmal Khan

For Respondents :Mr.S.Kumar
Additional Govt. Pleader

ORDER

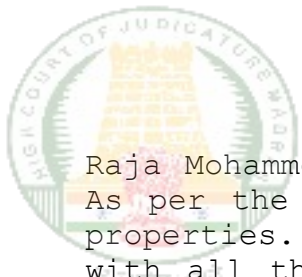
Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. According to the petitioner, one Mohamed Oli Bava Rowther owned certain lands in Melaiyur Group Village, S.S.Kottai Village, Thirupathur Taluk. He enjoyed the properties without any hindrance. He died on 07.05.1996 without any issues. It is represented on behalf of the petitioner that the brother of Mohamed Oli Bava Rowther viz., Syed Mohammed Rowther's son Raja Mohammed is treated as his son and accordingly, legal heir certificate was issued by the authorities in Pa.Mu.A6/7426/96, dated Nil.08.96. There is no dispute regarding the legal heirship among the family. Therefore, the said Raja Mohammed enjoyed the properties of the deceased Mohammed Oli Bava Rowther.

<https://hcservices.ecourts.gov.in/hcservices/>

4. It is the stand of the petitioner that the said Mohammed Oli Bava Rowther executed a registered General Power Deed in favour of



Raja Mohammed in D.No.48 of 1989 before the Sub Registrar, Thirupathur. As per the said deed, he appointed Raja Mohammed to deal with all his properties. From the date of power deed, the said Raja Mohammed dealt with all the properties of Mohammed Oli Bava Rowther. It comes to be known that Raja Mohammed owned the property in Sy.No.323/8 and 323/14 in Melaiyur Village, Thiruppathur Taluk. The extent of properties in Sy.No.323/8 is 5 cents and the revenue records in Sy.No.323/8 also stood in the name of the Raja Mohammed in patta No.1129.

5. The petitioner, on 10.12.2009, purchased the property in Sy.No.323/8, measuring an extent of 5 cents for valuable consideration from Raja Mohammed and the said sale deed was registered as Doc.No.3513/2009 on the file of the Sub-Registrar, Thiruppathur. From the date of purchase, he enjoyed the property without any interference. After purchase, he applied for patta in respect of the aforesaid properties before the fourth respondent/Tahsildar, Thirupathur Taluk, Sivagangai District. Then only, he came to know about the third respondent's/Revenue Divisional Officer, Devakottai, order dated 22.02.2008 in Na.Ka.C.No.3/2008. His vendor Raja Mohammed is already possessing the patta in Sy.No.323/8 in patta No.1129. However, the third respondent cancelled the patta by means of an order dated 22.02.2008. After perusing the third respondent's order, dated 22.02.2008, he came to know that the third respondent/Revenue Divisional Officer, Devakottai, Sivagangai District, without any valid reason and without any finding cancelled his vendor's patta. Hence, he had filed a revision application against the third respondent's order dated 22.02.2008. The revision petition/application is presented by the petitioner on 20.04.2016 together with necessary documents. Added further, he sent a representation through registered post on 20.04.2016. Till date, in respect of the revision petition, no enquiry is conducted.

6. The grievance of the petitioner is that he filed the patta transfer application and revision petition before the second respondent on 20.04.2016 and 03.05.2016, but without further proceeding, there is a delay in the subject matter in issue. Furthermore, the third respondent/Revenue Divisional Officer, Devakottai, Sivagangai District, without any proper enquiry, has passed the order on 22.02.2008 and the same is ex-facie an illegal one. The emphatic contention advanced on behalf of the petitioner is that in Law, a Statutory Authority should perform his statutory obligation and in this regard, there shall not be any undue delay. Since the revision petition of the petitioner is pending before the District Revenue Officer, Sivakasi, the petitioner has filed the present writ petition praying for passing of an order by this Court in directing the second respondent to conduct an enquiry and to pass final orders in the petitioner's patta transfer revision petition dated 20.04.2016 and 03.05.2016 respectively.

7. Be that as it may, in view of the fact the revision petition of the petitioner dated 20.04.2016 and sent by the petitioner through registered post on 03.05.2016, is also pending, this Court, at this stage, in the interest of Justice, directs the second respondent to immediately take up the petitioner's revision petition dated 20.04.2016 and 03.05.2016 together within a period of one week from the date of receipt of a copy of this order. Thereafter, the second respondent is



directed to dispose of the said two revision petitions dated 20.04.2016 and 03.05.2016 respectively within a period of four weeks thereafter. It is needless for this Court to point out that the second respondent/District Revenue Officer, Sivagangai District is to pass necessary orders in the revision petition filed by the petitioner, in the manner known to Law and in accordance with Law (of-course after providing requisite opportunity to the petitioner and others concerned by adhering to the principles of Natural Justice). It cannot be gain-said if any personal hearing/enquiry is sought for by the petitioner in the revision petition, then, it is open to the second respondent/District Revenue Officer, Sivagangai to consider the request of the petitioner and to take a final call in the subject matter in issue. The petitioner is directed to render his assistance and co-operation to the second respondent/District Revenue Officer, Sivagangai to dispose of his two revisions, with the time as determined by this Court, as stated supra.

8. With the aforesaid observations and directions, the writ petition stands disposed of. No costs.

Sd/
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

+1cc to M/S.S.A.Ajmal Khan, Advocate in SR.No.30610

+1cc to Special Government Pleader in SR.No.30508

Writ Petition (MD).No.10441 of 2016
14.06.2016

VS

PA/GSV-PM/SAR III/20.06.2016/3P/7C