



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL**Writ Petition (MD). No.15024 of 2016**

S.A.Abdul Majid

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Thanjavur,
Thanjavur District.

3.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to dispose the petitioner's application dated 24.11.2014 pending before the 1st and 2nd respondents with regard to the cancellation of patta granted in favour of the deceased Mohideen Abdul Hameed and his legal heirs and issue the separate patta in favour of the petitioner and the petitioner's family members within the time frame that may be stipulated by this Hon'ble Court.

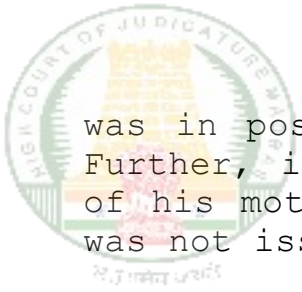
For Petitioner :Mr.K.Guhan

For Respondents :Mr.J.Gunaseelan Muthiah
Government Advocate**ORDER**

Heard both sides. By consent, the main writ petition itself is taken up for final disposal.

2.No counter is filed on behalf of the respondents.

3.According to the petitioner, his mother by name S.T.Hallima Beevi had a property in Sy.No.455 measuring an extent of 30 cents out of total 4 acres 2 cents in Valoothoor Village, Papanasam taluk, Thanjavur District. In fact, the said property was purchased by his mother by way of a registered sale deed. She



was in possession and enjoyment of the same till her life time. Further, in Sy.No.455, a joint patta No.533 was issued in favour of his mother and others. As a matter of fact, a separate patta was not issued. She expired during the year 1994.

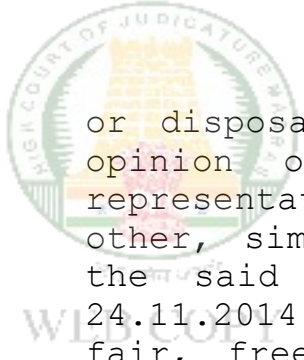
4. The specific stand of the petitioner is that soon after the demise of his mother, the partition was effected between himself, his sisters and brothers and as per the partition deed, they are in possession and enjoyment of the said property. Indeed, the Tahsildar, Papanasam Taluk, Thanjavur District, without conducting a proper enquiry, had granted patta in favour of one Mohideen Abdul Hameed and his legal heirs. In fact, they had no right in the said property and they had never been in possession and enjoyment of the property.

5. The Learned Counsel for the Petitioner submits that one deceased Mohideen Abdul Hameed and his legal heirs, without having any right, alienated the property bearing patta No.533 to a third party. The said Mohideen Abdul Hameed, having no title in respect of the property, had executed a sale deed, based on the title deed in Document No.942/1976. The said document denotes the rights of cutting kodikal only, but wrongly mentioned as 'sale deed'.

6. The Learned Counsel for the Petitioner projects an argument that the said Mohideen Abdul Hameed had sold out the properties to third parties on the basis of patta No.533 (Document No.942/1976) and the said execution is against the Law. In fact, a separate sub-division was granted and patta was granted to others. The Revenue Officials have issued patta in favour of Mohideen Abdul Hameed and his legal heirs, without following the proper procedure as per Law.

7. The Learned Counsel for the Petitioner brings it to the notice of this Court that the petitioner's mother by name S.T.Hallima Beevi had purchased the property by means of a registered sale deed. After the demise of his mother, her legal heirs had entered into a partition and they had been in possession and enjoyment of the property and therefore, they had legal rights and title in respect of the property. Furthermore, the petitioner projected an application before the Respondents 1 & 2 to cancel the patta issued in favour of the deceased Mohideen Abdul Hameed and his legal heirs and prayed for issuance of patta in favour of him and his family members. The said application was filed by the petitioner before the Respondents on 24.11.2014. But, till date, there is no response from the Respondents. Therefore, the petitioner is perforced to file the present writ petition.

<https://hcservices.ecourts.gov.in/HCServices/> Considering the fact that the petitioner's application/representation dated 24.11.2014 addressed to the First and Second Respondents, is pending till date, without any progress



or disposal, at this stage, this Court, without expressing any opinion on the merits and contents of the application / representation of the petitioner dated 24.11.2014, one way or other, simpliciter, directs the Second Respondent, to look into the said application/representation of the petitioner, dated 24.11.2014 and to pass a reasoned, speaking order, on merits in a fair, free, open mind and in a dispassionate manner within a period of six weeks from the date of receipt of copy of this order. Since the petitioner's original representation is dated 24.11.2014 and nearly 20 months have rolled by, this Court, to secure the ends of Justice, gives an option to the petitioner to file a fresh representation before the Respondents 1 & 2 in the subject matter in issue, within a period of one week from the date of receipt of copy of this order, enclosing necessary documents thereby. It is made clear that if the Respondents are in need of any copy of relevant record/document from the possession of the petitioner, it is open to them to issue necessary memo/notice to the petitioner calling upon him to supply the said document in question and soon after receipt of the same, it is incumbent on the part of the petitioner to comply with the requirements of the concerned Respondent in the manner known to Law and in accordance with Law and that too without any haziness or hesitation. Also, the petitioner is directed to lend his assistance and co-operation to the Respondents so as to enable them to do the needful in the subject matter in issue, within the time determined by this Court, as stated supra.

9. With the aforesaid observation(s) and direction(s), the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Collectorate, Thanjavur District, Thanjavur.
2. The District Revenue Officer, Thanjavur, Thanjavur District.
3. The Revenue Divisional Officer, Kumbakonam, Thanjavur District.

+1 CC to M/s.K.GUHAN, Advocate, SR No.44568

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