



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.326 of 2017

1.Abdul Wakid
2.Syed Ali Fathima .. Petitioners/Petitioners/Plaintiffs

-vs-

1.Mustafa Kamal .. 1st Respondent/1st Respondent/
2nd Defendant
2.Mohaideen Abdul Kathar
3.Thiyaharajan
4.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.
5.The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District. .. Respondents 2 to 5/Respondents 2 to 5
/ 3rd Parties

PRAYER:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Tiruchendur to take on file the unnumbered E.P.SR.No.2451 of 2016 in O.S.No.121 of 2008 on the file of the learned District Munsif, Tiruchendur, Thoothukudi District.

For Petitioner : Mr.S.R.Anbarasu

ORDER

This Civil Revision Petition has been filed to direct the learned District Munsif, Tiruchendur to take on file the unnumbered E.P.SR.No.2451 of 2016 in O.S.No.121 of 2008 on the file of the learned District Munsif, Tiruchendur, Thoothukudi District.

2.The petitioners have filed the suit in O.S.No.121 of 2008 on the file of the learned District Munsif, Tiruchendur, Thoothukudi District for partition and by Judgment and Decree, dated 18.02.2010, obtained preliminary decree. According to the petitioners in the said Judgment it was held that the settlement deed, dated 21.04.2004 executed by the first respondent in favour of the second petitioner, who is the daughter of the first respondent, is valid and deed of cancellation deed, dated 01.07.2008 executed by the first respondent is invalid. The first



respondent gave a petition to the fifth respondent-Revenue Divisional Officer under Senior Citizens Act, 2007, for mutation of the records for the land in his name on the ground that the second petitioner is not looking after him and violated the condition of settlement and not maintaining him. The fifth respondent-Revenue Divisional Officer, considering the materials available on record and provision of Senior Citizens Act, 2007, cancelled the patta issued in the name of the second petitioner. The petitioner filed E.P.SR.No.2451 of 2016 in O.S.No.121 of 2008 on the file of the learned District Munsif, Tiruchendur, Thoothukudi District, to pass orders to imprison the respondents for violating the Judgment passed in O.S.No.121 of 2008. The learned Judge returned the E.P as not maintainable rejecting the submission of the petitioner while representing the Execution Petition. Against that, the present Civil Revision Petition is filed.

3.Heard the learned counsel for the petitioners and perused the materials available on record.

4.From the materials available on record, it is seen that the fifth respondent has passed an order cancelling the patta issued to the second petitioner. The fifth respondent has passed the order by exercising his official duty on the petition filed by the first respondent. If the petitioners are aggrieved on the said order, they have appeal remedy. The petitioners are not entitled to initiate contempt proceedings by way of Execution Petition against the order passed in discharging official duty and the fifth respondent has not committed any contempt or not violated any order of the Court.

5.In the circumstances, the Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

The District Munsif,
Tiruchendur,
Thoothukudi District.

+1 cc M/R.S.R.ANBARASU, Advocate, SR.NO:10265