



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM :

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition (MD) No.12839 of 2018

and

W.M.P (MD) Nos.11711 and 11712 of 2018

Noor Faigira Begam

... Petitioner

Vs.

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

2.The Tahsildar, Thiruvaiyaru,
Thanjavur District.

3.Hayath Khan

4.Abdul Hakkim

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the notice dated 14-12-2017 in Na.Ka.9294/2017 (A1) of the 2nd Respondent and quash the same as illegal.

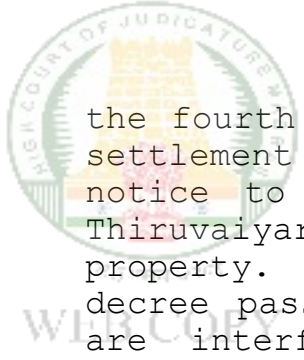
For Petitioner : Mr.P.Ganapathisubramanian

For Respondents 1&2 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

Challenge to the writ petition is a notice dated 14.12.2017 issued by the Tahsildar, Thiruvaiyaru, the second respondent herein, to convene a peace committee meeting based on the request given by the Inspector of Police, Thiruvaiyaru.

2.According to the petitioner, there is a civil dispute between the parties and after contest, the Civil Court has granted a decree in favour of the petitioner. The petitioner derived title over the property in dispute through Hiba executed by her husband. In view of the decree granted against the respondents 3 and 4, they are not entitled to claim title over the property, which is in possession and enjoyment of the petitioner except a small portion measuring an extent of 3 cents. However, it appears that a settlement deed was executed by the third respondent in favour of



the fourth respondent for the entire property. The execution of the settlement deed was objected by the petitioner by causing a legal notice to both the respondents 3 and 4 and the Sub Registrar, Thiruvaiyaru not to register any document in respect of the disputed property. In spite of the same, even there is a validly binding decree passed by the Civil Court is in existence, the respondents are interfering in this matter by conducting peace committee meeting. It is further stated that if there is any dispute which is civil in nature, the official respondents have to direct the rival claimants to approach the Civil Court but they are mediating the parties by conducting peace committee meeting. With these grievances, the present writ petition has been filed.

3. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the official respondents produced a copy of the proceedings of the second respondent Tahsildar, dated 19.06.2018, who has conducted a peace committee meeting on 21.12.2017 in the presence of both the parties and closed the meeting as the parties could not arrive at a settlement.

4. Considering the facts and circumstances of the case, no further adjudication is necessary as the impugned notice issued by the second respondent, no longer survives. However, the respondents 1 and 2 while dealing with such matters in future shall take into consideration the decrees passed by the Civil Court and act in accordance with law.

5. With this observation, the writ petition is disposed of. No costs. Consequently, W.M.P(MD) Nos.11711 and 11712 of 2018 are closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

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

2. The Tahsildar, Thiruvaiyaru,
Thanjavur District.

+1cc to Special Government Pleader, SR.No.70454.

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