



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7342 of 2014

and

M.P. (MD) No.1 of 2014

Kamal Mohmed

... Petitioner

vs.

1. The District Revenue Officer
Sivagangai District
Sivagangai
2. The Revenue Divisional Officer
Revenue Divisional Office
Devakottai, Sivagangai District
3. The Tahsildar
Karaikudi Taluk
Sivagangai District

4.S.Gulam Mohmed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the proceedings of the first respondent in Pa.Mu.Pi4/32827/2012, dated 27.12.2013 and quash the same and further directing the respondents 1 to 3 to issue Patta to the male descendants of Sheik Meera Sahib.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader for R1 to R3
Mr.T.Selvakumaran for R4

O R D E R

On perusal of the impugned order, I do not find any infirmity with regard to the findings of the first respondent. One of the reasons assigned in the impugned order, dated 27.12.2013, for rejecting the petitioner's claim is that the petitioner had not produced sufficient documents or other materials to prove that he is in Management and possession of the subject properties.



2. The learned counsel for the petitioner submits that at the time of passing the impugned order, he was not in a position to produce the relevant documents before the first respondent and now, he is willing to produce the same, if further opportunity is given to him.

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3. Though I do not find any infirmity in the impugned order passed by the first respondent, in my considered view, ends of justice would be met if sympathetic approach is given to the petitioner's request.

4. In view of the same, the impugned order, dated 27.12.2013, passed by the first respondent, is set aside and consequently, the matter is remanded back to the first respondent for conducting a fresh enquiry, after giving due opportunity to the fourth respondent and any other persons who may be interested in the subject matter. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.
3. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+ 1 cc TO Mr.V.Kannan , Advocate in SR No. 66653

+ 1 cc TO Mr.T.Selvakumaran , Advocate in SR No. 66798

krk

AE/SV MMS/SAR4/11.06.2018/2P/6C

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and**

**M.P. (MD) No.1 of 2014
04.06.2018**