



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 5969 of 2015

and

W.M.P. (MD) No. 2 of 2015

1. J. Meerahusain
2. J. Rahamathullah
3. J. Ibrahim

... Petitioners

Vs.

1. The District Revenue Officer,
Ramanathapuram.

2. The Revenue Divisional Officer,
Ramanthapuram.

3. Tahsildar,
Thiruvadanai.

4. M.K.M. Mumtaj Bevi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records made in the impugned order P.M. 26399/2014 (B6) passed by the first respondent dated 26.02.2015, quash the same.

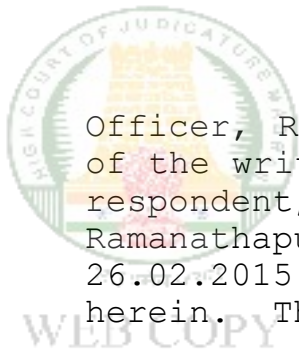
For Petitioner	: Mr. R. Anand
For R1 to R3	: Mr. R. Sethuraman Special Government Pleader
For R4	: Mr. R. Murugan

ORDER

Heard the learned counsel on either side.

2. The petitioners are the sons of one K.M. Jamal Mohamed. The fourth respondent is the daughter of the said K.M. Jamal Mohamed and sister of the petitioners herein. It is stated that Mrs. Slha Bebi, wife of K.M. Jamal Mohamed, settled her properties in favour of the petitioners on 08.06.2005. Thereafter, she had unilaterally cancelled the settlement on 01.08.2005. Subsequently, she had also sold the same in favour of the fourth respondent herein on the same date.

3. The case of the petitioners is that the subsequent unilateral cancellation and sale made in favour of the fourth respondent are void in law. They also contended that their father K.M. Jamal Mohamed had bequeathed his properties in their favour. Based on the same, they had also got the revenue records changed in their names. At the instance of the fourth respondent, the Revenue Divisional



Officer, Ramanathapuram, set aside those mutations made in favour of the writ petitioners. Challenging the order passed by the second respondent, the petitioners moved the District Revenue Officer, Ramanathapuram. The first respondent, by the impugned order dated 26.02.2015 dismissed the revision petition filed by the petitioners herein. The said order is assailed in this writ petition.

4.The learned counsel appearing for the writ petitioners states that even though, according to the petitioners, the transactions effected by the petitioners' mother on 01.08.2005 are void in law, they have not been formally challenged. According to them, they are entitled to ignore the same, since it is nullity in law. Be that as it may, the fact remains that as on date, there are as many as three civil proceedings pending between the parties. They are O.S.No.50 of 2011 on the file of the Principal District Court, Ramanathapuram, O.S.No.160 of 2011 on the file of the Sub Court, Devakottai and O.S.No.74 of 2011 on the file of the District Munsif Court, Thiruvadanai.

5.Since the Civil Courts are seized of the matter, I am of the view that the revenue authorities rightly did not intervene. The respective rights of the parties will have to abide by the ultimate outcome of the civil proceedings. Therefore, the order impugned in this writ petition is sustained. The writ petition is dismissed. However, it is made clear that this Court has not gone into the merits of the matter and all the contentions of the writ petitioners are left open. The petitioners are of-course at liberty to question the unilateral cancellation made by their mother.

6.With these observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Revenue Officer,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Ramanthapuram.
- 3.Tahsildar,
Thiruvadanai.

+1cc to Mr.R.Dilpkumar, Advocate, SR.No.53443

+1cc to Special Government Pleader, SR.No.53538

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