



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.12491 of 2020

M.Mohamed Fakkir Oli

... Petitioner

Vs.

1.The District Collector,
O/o. the District Collector,
Ramanathapuram.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildar,
O/o the Tahsildar,
Ramanathapuram.

4.The Deputy Tahsildar,
O/o, the Deputy Tahsildar,
Ramanathapuram.

5.The Sub Registrat,
Vellipattinam,
Ramanathapuram.

6.M.Noor Mohamed
7.N.Savukkath Ali
8.N.Sathik Batcha
9.N.Megaraj Banu

... Respondents

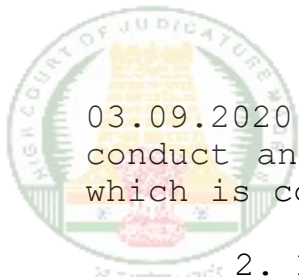
Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records on the file of the second respondent vide order in PA.MU.A7/2829/2020 dated 03.09.2020 and quash the same and consequently direct the second respondent to conduct an enquiry regarding the title holder of the Patta No.2201 which is comprised in Survey No.432/9.

For Petitioner : Mr.S.Vidhya Sagar

For Respondents 1 to 5 : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking to quash the proceedings of the third respondent dated
<https://hcservices.ecourts.gov.in/hcservices/>



03.09.2020 and consequently to direct the third respondent herein to conduct an enquiry regarding the title holder of the Patta No.2201 which is comprised in Survey No.432/9.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as Mr.K.P.Krishnadoss, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 5. Since no adverse order is going to be passed against the respondents 6 to 9, notice to them is dispensed with.

4. The learned Counsel appearing for the petitioner would submit that the property measuring to an extent of 2.00 Acres in Survey No.432/9 situated at Sakkaraihattai Village, Ramanathapuram originally belonged to the petitioner's mother by name M.Kathija Bheevi, which was gifted to his mother by her mother-in-law, namely, Nabeeza Ammal through a gift deed vide Document No.401/1980 dated 27.03.1980 and the same was registered in the year 1980. The patta bearing No.2193 mutated in the name of the petitioner's mother and her siblings and the property is in possession and enjoyment of the petitioner's mother. It is further submitted that during UDR entries made in 2008, the patta No.2193 was changed as Patta No.2201 wherein the names of legal heirs of the petitioner's mother was left out. Therefore, the petitioner made an application before the third respondent on 19.06.2020 to include the name of the petitioner's mother. But, the third respondent insisted the petitioner to file an appeal before the second respondent and accordingly, the petitioner had filed an appeal before the second respondent. The second respondent directed the fifth respondent to include the names of the legal heirs of the petitioner's father after conducting enquiry. Thereafter, the second respondent directed the third respondent to file a detailed report regarding the appeal filed by the petitioner and till now there was no detailed report has been filed by the third respondent. While so, the third respondent had passed the impugned order dated 03.09.2020 mutating the same in the names of one Noor Mohammed and his family members, who are in no way connected to this property. The learned counsel appearing for the petitioner further submits that the said Noor Mohammed is a land grabber and that six cases are pending against him. Challenging the order dated 03.09.2020 passed by the third respondent, the petitioner has come forward with this Writ Petition.

5.The learned Special Government Pleader appearing for the respondents 1 to 5 would submit that the petitioner has got remedy before the appellate authority.

6. Since the petitioner has got appeal remedy, this Court is not inclined to grant the relief sought for as such by the petitioner. Accordingly, this Writ Petition is dismissed.



However, it is made clear that patta shall be issued only after the disposal of the appeal. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
O/o. the District Collector,
Ramanathapuram.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildar,
O/o the Tahsildar,
Ramanathapuram.

4.The Deputy Tahsildar,
O/o, the Deputy Tahsildar,
Ramanathapuram.

5.The Sub Registrar,
Vellipattinam,
Ramanathapuram.

+1 CC to SGP (SR-24304[F] dated 07/12/2020)

W.P. (MD)No.12491 of 2020

03.12.2020

TP (CO)

NR (22/12/2020) 3P : 7C