



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.13989 of 2020

and

W.M.P (MD) Nos.11645 & 11646 of 2020

WEB COPY

A.Hairuni Nisha ... Petitioner

Vs.

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

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

3.The Tahsildhar,
O/o.Tahsildhar,
Ramanathapuram.

4.The Deputy Tahsildhar,
O/o.Deputy Tahsildhar,
Ramanathapuram.

5.The Village Administration Officer,
O/o.Village Administration Office,
Sakkaraikottai Village,
Ramanathapuram.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent vide order in PA.MU.A72829/2020 dated 03.09.2020 quash the same and consequently 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.

For Petitioner : Mr.S.Vidhya Sagar
For R1 to R5 : Mr.P.Kanni Thevan
Additional Government Pleader



ORDER

The petitioner has come forward with this Writ Petition, seeking to quash the proceedings of the third respondent dated 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, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.P.Kannithevan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 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 petitioner's father by name U.Umar Khan had 1/3rd share in the ancestral property measuring to a total extent of 14 Acres and 14 Cents in Survey No.432/9 situated at Sakkarai-kottai Village, Ramanathapuram. After the demise of the petitioner's father in the year 1974, the patta bearing No.2193 mutated in the name of the petitioner and her siblings and the property is in possession and enjoyment of the petitioner. It is further submitted that during UDR survey in 2008, the patta No.2193 was changed as Patta No.2201 wherein the names of legal heirs of the petitioner's father was left out. Therefore, the petitioner's husband made an application before the third respondent on 13.10.2010 to include the names of the petitioner and other legal heirs. 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. Accordingly, on 22.07.2012, the names of the legal heirs of the petitioner's father have been included in patta No.2201. 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 Additional 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 and 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. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Collector,
O/o.District Collector,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ramanathapuram.
- 3.The Tahsildhar,
O/o.Tahsildhar,
Ramanathapuram.
- 4.The Deputy Tahsildhar,
O/o.Deputy Tahsildhar,
Ramanathapuram.
- 5.The Village Administration Officer,
O/o.Village Administration Office,
Sakkaraikottai Village,
Ramanathapuram.

+1 CC to M/s.S. VIDHYA SAGAR, Advocate (SR-19544[F] dated 09/10/2020)

W.P (MD) No.13989 of 2020
08.10.2020

ark(CO)

KK(10.11.2020) 3P 7C