



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.15121 of 2020

and

W.M.P. (MD) .No.12728 of 2020

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B.Mohamed Ibrahim

... Petitioner

VS

1.The District Collector,
Tiruchirappalli Collector Office,
Raja Colony,
Tiruchiappalli District- 620001.

2.The Revenue Divisional Officer,
Tiruchirappalli Collector Office Campus,
Raja Colony,
Tiruchirappalli District - 620001.

3.The Tasildar,
Thiruverumbur Taluk Office,
Cauvery Nagar 1st Street,
Thiruverumbur,
Tiruchirappalli District-620 013.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents, more particularly the third respondent to consider the petitioner's representation dated 16.03.2020 submitted for the issuance of Patta in respect of the property bearing Survey Nos.34 Part and 35 measuring to an extent of 25 Acres situated at Inam Kumbakudi Village, Trichy Taluk, Trichy District on merits and in accordance with law and dispose of the same within a time frame as specified by this Court.

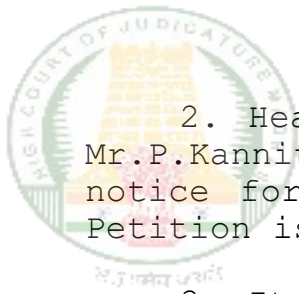
For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.P.Kannithevan

Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus directing the respondents, more particularly the third respondent to consider the petitioner's representation dated 16.03.2020 submitted for the issuance of Patta in respect of the property bearing Survey Nos.34 Part and 35 measuring to an extent of 25 Acres situated at Inam Kumbakudi Village, Trichy Taluk, Trichy District and dispose of the same within a time frame as specified by this Court.



2. Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

3. It is represented by the learned counsel appearing for the petitioner that the property in question has purchased by one Sultan Ibrahim in the year 2957 and subsequently, in view of some dispute in the said property, a suit got to be filed by him seeking the relief of declaration and consequential relief of delivery of possession. The suit was ended in favour of the said Sultan Ibrahim and thereafter an appeal was got to be filed as against the said decree and judgment by the defendants in the suit. Thereafter the appeal was dismissed by the Sub Court, Tiruchirappalli confirming the judgment and decree of the trial Court. As aggrieved over the said judgment, once again the defendants in the suit had preferred a Second Appeal before the Principal Seat of this Court and ultimately the same was also ended in favour of the said Sultan Ibrahim confirming the judgment and decree of the Trial Court as well as the Lower Appellate Court. In the meanwhile, the request of the said Sultan Ibrahim was rejected by the Tahsildar, Trichy by order dated 14.10.1969. While that being so, the said Sultan Ibrahim had given a oral Hiba to the petitioner and others and subsequently the same was also reduced into writing and notarized on 03.11.2003. After getting the absolute title over the said property, one of the beneficiaries in the said Hiba namely, Mohammed Arif had approached the competent authorities for the issuance of Patta by submitting a representation. While his request was pending consideration, he lost his breath and his efforts in this regard were also ended in futile. Thereafter, the petitioner also being a beneficiary, had sent a representation to the respondents on 16.03.2020 requesting to issue Patta in favour of himself and also the other beneficiaries. After receiving the representation, the third respondent Tahsildar, by his communication dated 27.03.2020 informed the petitioner to submit all the relevant documents pertaining to the said property. The petitioner replied the same by enclosing all the relevant documents on 17.06.2020. After receiving all the relevant documents, the third has not taken steps to issue patta as stated supra. In such circumstances, the petitioner has come forward with this Writ Petition.

4. Considering the facts and circumstances of the case, the respondent is directed to consider the representation of the petitioner dated 16.03.2020 and pass orders in accordance with law and in the light of the directions given by this Court in W.P.(MD) No.14135 of 2020, dated 12.10.2020, after affording an opportunity of hearing to the concerned parties.



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

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// True Copy //

Sd/-

Assistant Registrar (crl.side)

/ /2020

Sub Assistant Registrar(CS)

PJL

To

- 1.The District Collector,
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W.P (MD) No.15121 of 2020
03.11.2020

CK (CO)

KB (08.12.2020) 3P 4C