



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.4497 of 2021

and W.M.P. (MD)Nos.3611 and 3612 of 2021

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Bazeer

: Petitioner

Vs.

1.The District Revenue Officer,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Dindigul Revenue,
Dindigul, Dindigul District.

3.The Tahsildar,
Natham Taluk, Dindigul District.

4.Shajahan

5.Basha Sayibu

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for records relating to the impugned patta in Patta Nos.730 and 3101 in connection with lands situated in S.No.299/1A11(S.Nos.299/1A11A, 1A11B and 1A11C), at Pudur Village, Natham Taluk, Dindigul District issued by the third respondent in favour of the fourth and fifth respondents on 11.06.2020 and quash the same as illegal and consequently, to direct the second respondent to complete the appeal proceedings in O.Mu.No.6963/2019/A4 dated 22.10.2019 within the time frame as may be stipulated by this Court.

For Petitioner

:Mr.S.Sarvagan Prabhu

For R1 to R3

:Mr.B.Bhagavathy

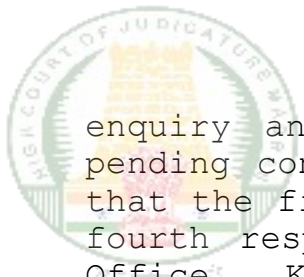
Government Advocate

ORDER

The petitioner claims that the subject lands were settled in his favour by registered settlement deeds, dated 25.01.2017 and 06.11.2017 by his father Mr.Mohammed Sulaiman. His father has inherited the properties by a deed of partition, dated 31.03.1967. According to the petitioner, from the date of settlement of the property in 2017, he has been in absolute possession and enjoyment of the same without any interference.

2.The petitioner has also approached the first respondent for mutation of the revenue records after the settlement was effected in his favour. Thereafter, a direction was issued to conduct an

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enquiry and according to the petitioner, the enquiry is still pending conclusion. In the meanwhile, the petitioner came to know that the fifth respondent had executed a sale deed in favour of the fourth respondent on 03.11.2020 on the file of the Sub Registrar Office, Kujiliamparai, in regard to the subject property. Thereafter, the petitioner came to know that patta was issued in the name of the fourth respondent by allowing sub division of the aforesaid property, when the appeal filed by the petitioner, dated 22.10.2019 is pending before the authority. Therefore, the petitioner is before this Court contending that the third respondent's action in issuing patta to the fourth respondent is clear abuse of process of law and the procedure, as contemplated under the provisions of Tamil Nadu Patta Pass Book Act, 1983.

3. When the matter is taken up for admission, even according to the petitioner, it is admitted that the appeal is pending before the Revenue Divisional Officer, the second respondent herein. When the appeal is stated to be pending before the second respondent, who is the competent authority to go into the veracity of the rival claims of the parties, in the interregnum, it is not open to the petitioner to challenge the grant of patta by the third respondent in favour of the fourth respondent.

4. This Court is unable to appreciate, as to how the Writ Petition could be maintained and how this Court could go into the factual controversies, as to the circumstances, under which patta was issued in favour of the fourth respondent. In the light of the appeal remedy is being invoked, the appropriate course of action for the petitioner is to pursue his appeal remedy before the authority concerned and get his claim adjudicated before him. It is certainly not open to the petitioner at this stage to approach this Court and any order to be passed in this Writ Petition at his instance would have direct bearing on the appeal pending before the second respondent.

5. For the aforesaid reasons, it is open to the petitioner to pursue his appeal remedy before the authority concerned. Hence, this Writ Petition is dismissed. However, the appellate authority, before whom the appeal is stated to be pending, is directed to pass final orders on merits in accordance with law within a period of four weeks from the date of receipt of a copy of this order after affording sufficient opportunity to all the parties concerned. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Dindigul District, Dindigul.

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3.The Tahsildar,
Natham Taluk, Dindigul District.

+1 CC to M/s.SPL GP (SR-9180[F] dated 05/03/2021)

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-8720[F] dated
04/03/2021)

W.P. (MD)No.4497 of 2021
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AC (CO)
TR(31.03.2021) 3P 6C