



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8464 of 2021

K.Abdul Kaleem

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District, Pudukkottai.

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

3. The Tahsildar,
(Special Tahsildar Natham Nilavari Thittam),
Avudiyaarkovil Taluk Office,
Avudiyaarkovil Taluk,
Pudukkottai District.

4. K.Mohamed Iqbal

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the respondents 1 to 3 herein for transferring the patta and other revenue records in favour of the fourth respondent in respect of the petitioner joint family property comprising in Old S.No.166/(paa) New S.No.315/18 and S.No.315/31, which is situated in Embal Village, Avudaiyaarkovil Taluk, Pudukkottai District and consequently direct the respondents 1 to 3 to conduct the enquire on the basis of the petitioner's representation dated 01.04.2021, within the time stipulated by this Court.

For Petitioner : Mr.C.Abulkalam Azad

For R-1 to R-3 : Mr.M.Muniasamy
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus forbearing the respondents 1 to 3 from entertaining any application for transfer of patta and for mutation in the revenue records in favour of the fourth respondent with respect to the subject property.



2. Heard Mr.C.Abulkalam Azad, learned counsel appearing on behalf of the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader, appearing on behalf of the respondents 1 to 3.

3. It is clear from the affidavit filed in support of the Writ Petition as well as the document filed before this Court that the subject property stands in the name of the mother of the petitioner. That apart, the patta also stands in her name. If the petitioner claims any right over the property, the petitioner can only approach the competent Civil Court and establish his right. A Writ Petition cannot be entertained merely on the ground of apprehension that the fourth respondent, who is the brother of the petitioner, may get the property transferred in his name and subsequently get the revenue records mutated. This is an apprehension, which is farfetched to maintain a Writ Petition before this Court.

4. In view of the above, this Court does not find any ground to entertain this Writ Petition and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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/ /2021

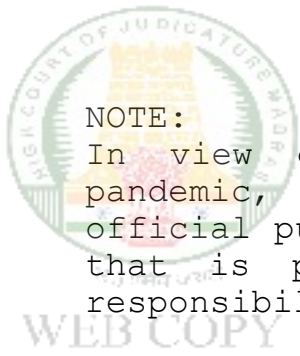
Sub Assistant Registrar(CS)

tsg

To

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The Revenue Divisional Officer,
Pudukkottai Revenue Divisional Officer,
Pudukkottai District.
3. The Tahsildar,
(Special Tahsildar Natham Nilavari Thittam),
Avudiyaarkovil Taluk Office,
Avudiyaarkovil Taluk,
Pudukkottai District.

+1 CC to M/s.C.ABUL KALAM AZAD, Advocate (SR-17810[F] dated 28/04/2021)



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.

Order made in

W.P. (MD) .No.8464 of 2021

Dated:

26.04.2021

RK(12.05.2021) 3P 5C