



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1917 of 2014

WEB COPY

S.Mohideen Abdul Kader

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2.The Tahsildar,
Tiruchendur,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to consider and dispose of the application dated 23.05.2013 sent for the purpose of name change in the patta as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : M/s.V.Moushica

For Mr.R.Anand

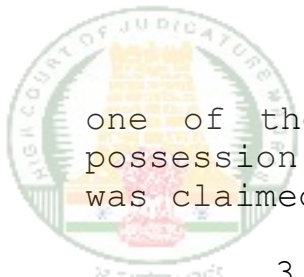
For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a Mandamus directing the first respondent/ the Revenue Divisional Officer, Tiruchendur, Thoothukudi District to consider and dispose of an application dated 23.05.2013 which application was for the purpose of changing the name in the patta.

2. In the affidavit filed in support of the Writ Petition, it had been stated that he had given an application to change the name in the patta with respect to the property in Survey Nos.51, 52, Kalankudiyiruppu Village, Tiruchendur Taluk, Thoothukudi District. It had been further stated that Mohideen Abdul Kader had purchased the property on 08.03.2021 and thereafter it devolved upon his son Mohammed Halidu. After the death of Mohammed Halidu, the property had devolved to his legal heirs who were four in number. The father of the petitioner is



one of the sons. The father and his sisters were in joint possession. A suit in O.S.No.15 of 1977 had also been filed. It was claimed that the said suit was decreed.

3. The father of the petitioner, M.H.Syed Kasim had given an application on 23.05.2013 to change the name by endorsing the names of legal heirs of deceased Mohammed Halidu. Unfortunately, the petitioner's father died. The date of death is not given in the affidavit.

4. My attention is drawn to the fact that on 12.10.2013 itself, the Revenue Divisional Officer had passed orders on the said representation. A copy of the order had also been forwarded to the father of the petitioner. It is therefore seen that the date of death had not been disclosed is significant. At any rate, the said order will have to be questioned in the manner known to law. If it had been passed when the father was alive, then the father should have taken it up in the manner known to law. If it had been passed after the death of the father, then the petitioner herein can claim ignorance of the said order and still he can question it in the manner known to law. Either way, a Writ of Mandamus cannot be filed, a Writ of Certiorari alone will have to be filed by the writ petitioner herein.

5. With the above said observations, this Writ Petition is dismissed giving such liberty to the petitioner. There shall be no order as to costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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 Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Tiruchendur,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-35645[F] dated 24/11/2021)

**W.P. (MD) .No.1917 of 2014
22.11.2021**

DKS (CO)
SB(10.12.2021) 3P 4C