



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21788 of 2016

and W.M.P. (MD)No.15571 of 2016

WEB COPY

M.Syed Mohamed

... Petitioner

Vs.

1.The Commissioner,
Aranthangi Municipality,
Aranthangi Town & Taluk,
Pudukkottai District.

2.The Executive Officer,
Arulmigu Veeramakaliamman Thirukkivil,
Aranthangi Town,
Pudukkottai District.

3.Basheer Ahamed

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records pertaining to the order passed by the 1st respondent in Na.Ka.No.6281/2012/A-1 dated 17.10.2016 and quash the same as illegal.

For Petitioner : Mr.P.Jamal Mohamed
For Mr.K.Baalasundharam

For Respondents : Mr.P.Mahendran,
Additional Government Pleader for R1.
Mr.G.Madhavan for R2
Mr.N.Balakrishnan for R3

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned order passed by the first respondent whereby, the mutation was made in the property tax register in respect of the petition mentioned property in favour of the third respondent.

3.The petitioner's counsel would state that the property in question had been purchased by the petitioner on 30.01.2010 and that based on the same, the property assessment register was changed in his favour. He would further submit that the it is not open to the first respondent to go into the rival claims of the



petitioner and the third respondent and that it is only the jurisdictional Civil Court that can determine the issue.

4. Though this submission is of the face of it quite attractive, it has to be appreciated in the facts and circumstances of the case. The learned counsel for the third respondent would state that the land in question belongs to the second respondent temple. The temple had leased out the land in favour of one Mohameed Ibrahim. The said Mohammed Ibrahim had put up a superstructure. The property tax was assessed for the superstructure in favour of Mohammed Ibrahim. The said Mohammed Ibrahim had sold the property in the year 1997 to one Fareetha Beevi in her capacity as mother and guardian of the third respondent/Basheer Ahamed. The said Fareetha Beevi appears to have sold the property on 26.07.2001 in favour one Jahupar Ali and from Jahupar Ali, the petitioner had purchased the property on 30.01.2010. The contention of the learned counsel for the third respondent is that Fareetha Beevi did not have any independent title over the superstructure. Her name had figured in the sale deed only in her capacity as mother and guardian of the third respondent namely., Basheer Ahamed. In other words, it is Basheer Ahamed, who was the actual title holder. When the sale deed was executed, Basheer Ahamed was 17 years old. He had attained majority in 1998 itself. Thereafter, it was only from Basheer Ahamed the title could have changed hands. Therefore, on the face of it, the document executed by Fareetha Beevi could not have conveyed any title. In any event, I do not want to go into this contentious issues beyond a point. Suffice it to hold that the order passed by the first respondent does not appear to suffer from any error warranting interference in exercise of my writ jurisdiction. Therefore, the order impugned in the writ petition is sustained. However, liberty is given to the petitioner herein to establish his rights in the jurisdictional Civil Court. I make it clear that none of the observations made in this order will operate to the prejudice of the petitioner herein.

5. Leaving open the petitioner's right to move the jurisdictional Civil Court, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

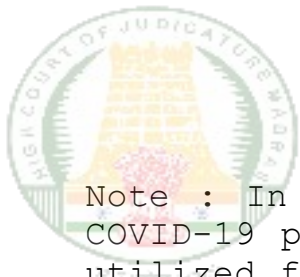
Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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:

The Commissioner,
Aranthangi Municipality,
Aranthangi Town & Taluk,
Pudukkottai District.

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-10619
[F] dated 12/03/2021)

+1 CC to M/s.G.MATHAVAN, Advocate (SR-10789[F]
dated 12/03/2021)

W.P(MD)No.21788 of 2016
11.03.2021

kmv (CO)
TR(03.05.2021) 3P 4C