



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.23930 of 2017

and

W.M.P. (MD) .No.20086 of 2017

Arumugam

... Petitioner

Vs.

1.The District Collector
Ramanathapuram District.
Ramanathapuram.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.R.Pathul Jaman

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the second respondent's impugned order in PaMu (A4) 8487/2016, dated 02.11.2017 and quash the same as illegal.

For Petitioner

: Mr.M.Kannan

For R1 & R2

: Mr.Shanmugavel

Additional Government Pleader

For R3

: Mr.S.Anand Chandrasekar

for Mr.D.Senthil

ORDER

The Writ petition has been filed in the nature of Certiorari, seeking records of the second respondent, dated 02.11.2017 and to quash the same. A particular piece of land was allotted to one Noorjahan, on the basis that she was a landless lady and she requires that particular land. When such land is allotted naturally, conditions are imposed, namely, that the construction must be put up within a year and that the property should not be alienated within a period of ten years. Whether Noorjahan had violated the terms of the assignment is an issue, which has to be decided during the course of the trial in the suit which is now pending, namely, O.S.No.113 of 2016 before the District Munsif, Paramakudi. She sold the land to the petitioner herein. The



petitioner for good measure, sold one half of the land to his own wife. Stating that this was in violation of the assignment, the third respondent had given a representation to the second respondent.

2.The second respondent, after enquiring into the entire issue, had passed the impugned order cancelling the patta in the name of the petitioner herein.

3.The petitioner also had instituted a suit in O.S.No.113 of 2016, which is now pending on the file of the District Munsif Court at Paramakudi. In the said suit, the father of the third respondent is the first defendant.

4.I am informed that the suit is at the part-heard stage. It need not be restated that in any civil dispute adjudication by any judge, would be based only on the evidence presented and on analysis of such evidence and pleadings. Quite apart from various issues, the learned Munsif may also keep in mind the maintainability of the suit also. The learned Munsif may also keep in mind the order of cancelling the patta, at the same time, also balance those facts with the order granting assignment to Noorjahan and also the fact that the petitioner had purchased the property. All these aspects have to be tested during the course of trial and let the District Munsif come to a considered decision on them.

5.No further orders are required. I am not interfering with the order passed by the **(*)Sub Collector, Paramakudi**. Let that order stand and any modification will depend upon the decree and judgment passed by the District Munsif Paramakudi.

6.These observations in this order are only for the limited purpose of deciding the present Writ Petition. This Writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (P&A)

**(*)Amended as per order of this
Hon'ble Court dated 17.12.2021**

Sd/-

Assistant Registrar (P&A)

// 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.

WEB COPY

To

**(*)To be Substituted the order already despatched
on 13.12.2021**

1.The District Collector
Ramanathapuram District.
Ramanathapuram.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

COPY TO:-

The District Munsif,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.M.KANNAN, Advocate (SR-36457[F] dated 30/11/2021)

**W.P (MD) .No.23930 of 2017
and**

**W.M.P. (MD) .No.20086 of 2017
26.11.2021**

NSN (CO)

GC (10.12.2021) 3P 5C

GC (29.12.2021) 3P 5C