



WP.No.10134 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.10134 of 2018
and WMP.No.12083 of 2018

S.Tanveer Ahmed

... Petitioner

Vs

1. The Revenue Officer,
Vellore District, Vellore.

2. Muthavalli Najuk Nanbi Masjid,
Dargah Masjid,
Roja Street,
Konavattam, Vellore.

3. The Assistant Secretary II,
Tamil Nadu Wakf Board,
No.2, Jaffar Syrang Street,
Valla Seethakathi Nagar,
Chennai.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus to call for the records relating to the impugned order issued by 1st Respondent in Mu. Mu. No.D3/ 8091/ 2016 dated 16.12.2016 signed on 23.01.2017 and to quash the same



WP.No.10134 of 2018

and consequently, direct the 1st Respondent to pass appropriate orders for restoration of patta in favour of the Petitioner grandfather Syed Abdul Rahman in respect of the land in S.No.199/ 1A to 199/1P Konavattam Village, Vellore Taluk and District on verification of entire documents produced within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.K.Umar
For Respondents : Mr.K.Saravanan, GA R1
Mr.C.Jagadish R2
Mr.V.Ragavachari R3

ORDER

This petition has been filed seeking to quash the impugned orders passed by the 1st Respondent in Mu. Mu. No.D3/ 8091/ 2016, dated 16.12.2016 signed on 23.01.2017 and consequently, direct the 1st Respondent to pass appropriate orders for restoration of patta in favour of the Petitioner grandfather Syed Abdul Rahman in respect of the land in S.No.199/ 1A to 199/1P Konavattam Village, Vellore Taluk and District.

2. Heard the learned counsel on either side and perused the materials available on record.



WP.No.10134 of 2018

WEB COPY

3. It is the case of the petitioner that the property in S.Nos.199/1A to 199/1F Konavattam Village, Vellore Taluk and District to an extent of 12.80 acres belong to Syed Abdul Rahman, who is the grandfather of the petitioner, in which, for the above said properties, patta stands in the name of the petitioners grandfather in Patta Nos.254 and 270. During UDR Survey, the name of the second respondent was entered in the revenue records during UDR survey in respect of the subject lands in the year 1992 as "Dargah" by mistake. In order to rectify the said mistake, the petitioner made an application on 16.12.2016 before the first respondent. But the first respondent rejected the petitioner's application vide its proceeding dated 16.12.2016 stating that there is no document to trace the title in favour of the mosque or the petitioner and hence, the first respondent is not in a position to take any decision and accordingly, directed the petitioner to approach the civil Court for redressal. Challenging the said impugned proceedings, the petitioner has filed the present writ petition before this Court.



WP.No.10134 of 2018

WEB COPY

4. The learned counsel for the petitioner submitted that this Court may permit the petitioner to file an appropriate suit before the competent civil Court as directed by the first respondent in the impugned order.

5. The facts of the case are not in dispute. The petitioner claims that he is the owner of the subject property and but, however, in the revenue records, during UDR Survey, the name of the second respondent was entered in respect of the subject lands in the year 1992 as "Dargah" by mistake. Such being the case, there exists a dispute with regard to subject property between the parties, this Court cannot interfere with in the matter by exercising its jurisdiction under Article 226 of the Constitution as the Court cannot enter into disputed questions of fact. The petitioner has to approach the competent civil forum to resolve the issue and the revenue officials have also no power to decide the matter.

6. Considering the facts and circumstances of the case and in view of the limited request made by the petitioner, this Court without going into the merits of the matter, passes the following order:



WP.No.10134 of 2018

WEB COPY

(i) This Court directs the petitioner to approach the competent civil Court and file a suit for establishing his rights;

(ii) if the petitioner approaches the civil Court, the learned Judge shall decide the case independently, without influencing the observation made in the impugned order; and

(iii) if the petitioner succeeds the suit, the petitioner shall make a fresh application/petition to the concerned respondents along with the decree passed by the trial Court. After receipt of such application, the respondents shall consider the same and pass appropriate orders, after affording opportunity to the necessary parties, based on the decree of the trial Court, on merits and in accordance with law; and

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

19.09.2022

Rli

Index: Yes/No

5/6



WEB COPY



WP.No.10134 of 2018

M.DHANDAPANI, J.

Rli

Internet: Yes/No

Speaking/Non speaking

To

The Revenue Officer,
Vellore District, Vellore.

WP.No.10134 of 2018

19.09.2022