



W.P.(MD).No.15048 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.15048 of 2013

and MP(MD).No.1 of 2013

Samsubath

....Petitioner

Vs

1.The District Collector
Ramanathapuram District

2.The District Revenue Officer
Ramanathapuram District

3.The Revenue Divisional Officer
Paramakudi
Ramanathapuram District

4.The Tahsildar
Kadaladi Taluk
Ramanathapuram District

5.Mohammed Ali

6.Misabar Adimai

7.Sahulhameed

8.Jabarullah

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the orders passed by the second respondent in Pa.Mu.63557/2012 (B5) dated 08.08.2013 confirming the orders passed by the third respondent in Pa.Mu (B1) 6868/2012 dated 07.12.2012 and to quash the same.



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For Petitioner : Mr.K.R.Laxman
For R1 to R4 : Mr.M.Lingadurai
Special Government Pleader
For R5 to R8 : Ms.Irfana Fathima
For M/s.Ajmal Associates

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein under which he has rejected the appeal presented by the writ petitioner for transfer of patta in her name from the name of the Muslim Vuravinmurai Zamath Trustee, Mariyur.

2.According to the learned counsel for the petitioner, Survey number in dispute namely Survey No.350/4 originally belonged to her grandmother Naina Mohammed and the revenue records were also standing in her name. Thereafter, the said property devolved upon her father Segu Mohammed Sammati and his name was also recorded in 'A' register. After demise of her father Segu Mohammed Sammati, it devolved upon the petitioner as the sole legal heir. Hence, she is the absolute owner of the said property.

3.The learned counsel for the petitioner had further contended that in the year 2012 when they attempted to get computer patta and Chitta, the petitioner came to know that patta has been granted in favour of the Zamath



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which is represented by the respondents 4 to 7 in the writ petition. According to the petitioner, her property has been erroneously dealt with one Sabargan Beevi by a registered Inam settlement deed dated 11.01.1982 under which the survey number in dispute has been gifted in favour of the Zamath. According to the petitioner, Sabargan Beevi is unconnected with the property and she does not have any right title or interest to execute the said document in favour of the Zamath.

4.The learned counsel for the petitioner had further contended that in view of erroneous mutation of revenue records, she filed an appeal before the third respondent herein. However, the third respondent rejected the said appeal without properly appreciating the contentions of the writ petitioner. Thereafter, she prepared a revision before the second respondent who had also dismissed the revision on the consideration that Education Institution, Anganwadi Centre, Panchayat Union Primary School and Noon Meal Building are located in the said survey number. The petitioner had further contended that by relying upon some fake marriage certificate, the father's name of the petitioner was doubted and his tracing of title was also objected to. Hence, the petitioner has prayed for allowing the writ petition and to grant patta in her name.

5.Per contra, the learned counsel appearing for the private respondents had contended that this property was originally owned by one Naina



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Mohammed which devolved upon Segu Mohammed Sammati and thereafter, it devolved upon one Sabargan Beevi. The said Sabargan Beevi had executed a registered settlement deed in favour of Zamath on 11.01.1982. In the said property, the Panchayat Union School, Anganwadi Building and Noon Meal Centre are located and hence, the contention of the petitioner that it is a vacant land and the petitioner is in possession of the property is factually incorrect. If really the petitioner is aggrieved over the settlement deed dated 11.01.1982, she has to approach the competent civil Court.

6.The learned counsel for the private respondents had further contended that the property is in possession and enjoyment of the Zamath from the year 1982 onwards and with the permission of the Zamath, various public buildings are located in the disputed survey number. Hence, the contention of the writ petitioner cannot be accepted and the order impugned in the writ petition may be sustained.

7.I have considered the submissions made on either side and perused the materials available on record.

8.The petitioner has claimed title to the survey number in dispute namely Survey No.350/4 on the ground that it originally belonged to her grandmother Naina Mohammed and later, it devolved upon her. Per contra, the learned counsel for the private respondents had contended that though it



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belonged to Naina Mohammed, later one of the legal heirs namely Sabargan Beevi has executed a registered settlement deed in favour of the Zamath on 11.01.1982. The third respondent in the impugned order has categorically found that the Panchayat Union School, Anganwadi Building and the Noon Meal Centre are located in the said survey number for more than 30 years. The petitioner having kept silent for all these years, had suddenly made a claim to the said survey number based upon his lineage. In case if the petitioner is aggrieved by execution of the settlement deed dated 11.01.1982 by the said Sabargan Beevi, it is for the petitioner to approach the competent civil Court to establish her right and title over the property. The revenue authorities have rightly rejected the request of the petitioner for mutation of the revenue records in her name, when various public buildings are located in the said survey number.

9.In view of the above said findings, I do not find any merit in the writ petition. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No
Index : Yes/No
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