



W.P(MD)No.4837 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4837 of 2013

and

M.P(MD)Nos.2 and 3 of 2013

Shahul Hameed

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District.
- 2.The District Revenue Officer,
Thanjavur District.
- 3.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
- 4.The Tahsildar,
Thiruvidaimaruthur Taluk,
Thanjavur District.
- 5.The Sub-Registrar,
Sub-Registrar's Office,
Mayiladuthurai Main Road,
Thiruvidaimarudhur,
Thanjavur District.



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6.The District Registrar,
District Registrar's Office,
Dr.Moorthy Road,
Kumbakonam,
Thanjavur District.

7.T.E.K.M.Jamal Mohamed

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of third respondent in proceedings No.நி.மு.மே.ந.த.ப 423/06 3 dated08.2006 and quash the same consequently direct the Respondents 2 to 4 to issue separate patta to the petitioner in respect of the Survey Nos.70/8, 137/1, 137/4A and 137/11A in Thirumangalakudi village, Thiruvudaimaruthur Taluk, Thanjavur District.

For Petitioner : Mr.B.Jameel Arasu

For R1 - R4 : Mr.A.Baskaran
Additional Government Pleader

For R5 & R6 : Mr.S.R.H.Ramachandran
Additional Government Pleader

For R7 : Mr.P.Krishnasamy



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ORDER

The present writ petition has been filed challenging an order passed by the third respondent herein, under which the seventh respondent's name was also included in the patta and a joint patta has been issued.

2. According to the petitioner, he is the exclusive owner of the property in dispute based upon a registered settlement deed, dated 09.11.1951. However, the seventh respondent herein has approached the third respondent for inclusion of his name in the patta. Without issuing any notice to the petitioner, the appeal has been entertained by the third respondent and the name of the seventh respondent has been included in the joint patta. The said order is under challenge in the writ petition.

3. According to the learned counsel for the petitioner, the third respondent has passed the impugned order without issuing any notice to the writ petitioner in whose name separate patta was standing.

4. In view of the above said facts, the order impugned in the writ



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petition is set aside. The matter is remitted back to the file of the third respondent. The third respondent shall pass orders on merits and in accordance with law, after giving due opportunity to the writ petitioner and the seventh respondent herein. The above said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.09.2022

Index : Yes / No
Internet : Yes / No

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To

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- 4.The Tahsildar,
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- 6.The District Registrar,
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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.4837 of 2013

Dated:
07.09.2022