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W.P.(MD)NO.4257 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4257 of 2020

Sahul Hameed

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Additional Collector,
Thoothukudi District,
Thoothukudi.
3. The Sub Collector,
Thoothukudi District,
Thoothukudi.
4. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
5. The Tahsildar,
Srivaikundam Taluk,
Srivaikundam – 628 601,
Thoothukudi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the impugned order in Na.Ka.No.T6/2374/2019 dated 31.1.2020 passed by the 2nd



respondent and to quash the same regarding the non-removal of the name of " Sahul Hameed S/o.Sheik Uduman" in Patta No.365 in respect of S.No.84/1 Kongarayakurichi Village, Srivaikundam Taluk, Thoothukudi District and to direct the 2nd respondent to issue the above Patta in the name of the petitioner viz., " Sahul Hameed S/o.Abdul Khader " .

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.G.Suriyananth,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The only question that calls for consideration is whether the petitioner's father's name should be mentioned in the revenue record as Abdul Khader or Sheik Uduman.

3. In the impugned order, the second respondent had taken the stand that the petitioner has not produced any antecedent document. The second respondent has adopted an erroneous approach. It is seen from the materials on record



that the petitioner is already having patta in his favour way back from the year 1973. In the said patta, the petitioner's father's name has been described as A.Khader. The initial ' A ' refers to Abdul. The learned counsel appearing for the petitioner draws my attention to the gift deed dated 25.10.1969 executed by Abdul Khader in his favour. The said document was duly registered as document No.2459 of 1969.

4. From a reading of the encumbrance Register, it is obvious that the petitioner got the property only from his father. By virtue of the aforesaid document, the revenue authority had entered the name of the petitioner and described his father's name as Abdul Khader.

5. I fail to understand as to how Sheik Uduman got inserted in the place of Abdul Khader. In any event, there appears to be another Shakul Hameed and his father's name is Sheik Uduman. Shakul Hameed, S/o.Sheik Uduman, had given a consent letter and clarified that he has no right or interest over the property. Therefore, the impugned order is set aside. This writ petition stands allowed. The respondents shall alter



the entry in the revenue record as Shakul Hameed, S/o.Abdul Khader. This shall be done within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

20.12.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

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Thoothukudi District,
Thoothukudi.
2. The Additional Collector,
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Thoothukudi.
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G.R.SWAMINATHAN,J.

PMU

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