



W.P(MD)No.18154 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18154 of 2022

H.Mohammed Barkath Sultan

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
No.2/92, Taluk Office Campus,
Madurai Thondi Road,
Thiruvadanai,
Ramanthapuram – 623 407.

2.The Revenue Divisional Officer,
Ramanathapuram District.

... Respondents

*(R2 is suo motu impleaded vide order dated
17.08.2022 in W.P.(MD)No.18154 of 2022 by
GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 29.07.2021 and transfer the patta in favour of petitioner.

For Petitioner : Mr.S.Selva Aditya

For Respondents : Mr.M.Sarangan,
Addl. Government Pleader.



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ORDER

Heard the learned counsel on either side.

2.The case of the writ petitioner is that his father late.Hidayathullah purchased the petition mentioned lands vide sale deed dated 06.03.1995. The petitioner wants mutation of patta in respect of the Survey No.44/2 from his father name to his name. As regards Survey No.44/3, patta is reflecting the name of the third parties. The learned Additional Government Pleader would state that free patta was given to one individual and after cancellation, it was assigned in favour of Kabir Mohammed. The Tahsildar may not be competent to go into the petitioner's objection for effecting mutation of patta as regards Survey No.44/3. The Tahsildar is directed to consider the case of the writ petitioner for mutation of revenue records as regards Survey No.44/2 alone. The petitioner is permitted to submit an appeal before the Revenue Divisional Officer, Ramanthapuram. If such an appeal is filed within a period of four weeks from the date of receipt of a copy of this order, the Revenue Divisional Officer will entertain the same without reference to limitation. In the said appeal, the petitioner shall specifically implead the said Kabir Mohammed. The Revenue Divisional Officer will issue notice to Kabir Mohammed and also



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other interested persons, if any and after going through the relevant records pass final order on merits and in accordance with law. The first respondent will pass order within a period of eight weeks from the date of receipt of a copy of this order as regards mutation of Survey No.44/2. The second respondent will dispose of the petitioner's appeal within a period of twelve weeks after it is received. I make it clear that I have not gone into the merits of the matter.

3.The writ petition is disposed of accordingly. No costs.

17.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Collector,
Theni District.

2.The Tahsildar,
Theni Taluk,
Theni District.

3.The Head Surveyor,
Theni Taluk,
Theni District.



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G.R.SWAMINATHAN, J.

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