



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22549 of 2022

Abdul Karim

..Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul,
Dindigul District.

2.The Tahsildar,
Aathoor Taluk,
Dindigul District.

3.Umar

4.Nagoor Pitchai

5.Mohammed Syed

6.Sahul Myedeen

7.Abdul Razaak

8.Hyber Nizha

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to include the Petitioner's name in aptta No.2513 and 2527 comprised in S.F.Nos.1411/2 and 1411/3 respectively, by disposing the Petitioner's application which is pending before the second respondent in proceedings in Na.Ka.No.5021/2019/Aa1 within the period stipulated by

this Court.



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For Petitioner : Mr. B. Senthil Kumar

For Respondents : Mr. D. Gandhiraj
1 and 2 Spl. Govt Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the second respondent to include the Petitioner's name in patta No. 2513 and 2527 comprised in S.F. Nos. 1411/2 and 1411/3 respectively, by disposing the Petitioner's application which is pending before the second respondent in proceedings in Na. Ka. No. 5021/2019/Aa1 within the period stipulated by this Court.

2. Mr. D. Gandhiraj, learned Special Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the Petitioner is that the Petitioner, Petitioner's grand father namely, Kathar Maideen purchased the lands measuring an extent of 0.7.00 ares in S.f. No. 1411/7 and 1411/8 by virtue of sale deed No. 2884 of 1939 in the name of his son Beer Mohammed Rowther and lands measuring an extent of 7 cents in S.F. No. 1411/3 by virtue of sale deed No. 1862/1933 in his name at Sithayankottai, Aathoor Revenue Village, Aathoor Taluk, Dindigul District. While so the Petitioner's ancestors made a family settlement and partitioned their joint family properties by way of



and 1411/8 in favour of one Viyathammal, who is the wife of Mydeen Rowther. Whiles, the said Viyathammal died leaving behind her children Beer Mohammed Rowther, Zayed Mohammed Rowther, Ismayil Mydeen Rowther, and Mohammed Rawther as legal heirs, who have jointly attained the lands in S.F Nos.1411/7 and 1411/8 and they have not made any arrangements for partitioning of the said lands. In these circumstances the third respondent, who is the son of Beer Mohammed Rowther filed a suit in O.S.No.220 of 2007 before the Principal District Munsif Court, Dindigul against one Pandi without adding the Petitioner and respondents 4 to 8 as parties to the suit and the said suit is decreed in favour of the third respondent. In this suit, the third respondent has averred that the land in S.F.No.1411/2 was purchased by way of sale deed dated 20.10.1939. Suppressing the facts of the partition deed, dated 26.10.1945, the third respondent has filed the above suit. In these circumstances, the third respondent has transferred the patta to his name alone in S.F.Nos.1411/2 and 1411/3.Hence the Petitioner has filed an application which is pending before the second respondent in proceedings in Na.Ka.No.5021/2019/Aa1 to include the Petitioner's name in patta No.2513 and 2527 comprised in S.F.Nos.1411/2 and 1411/3.Since the same was not considered, the Petitioner has come forward with this Writ Petition for the relief stated supra.

4.In the facts and circumstances, this Court, without expressing any



opinion on the merits of the matter, directs the second respondent to consider the proceedings in Na.Ka.No.5021/2019/Aa1 pending before him in respect of the Petitioner's claim to include the his name in patta No. 2513 and 2527 comprised in S.F.Nos.1411/2 and 1411/3, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

26.09.2022

Index : Yes/No

Internet: Yes/No

vsn

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Dindigul District.

2. The Tahsildar,
Aathoor Taluk,
Dindigul District.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.22549 of 2022

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