



W.P.(MD)No.14526 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14526 of 2018

V.Jegan

... Petitioner

Vs

1.The District Collector,
Collector Office,
Madurai.

2.The District Revenue Officer,
Collector Office,
Madurai.

3.The Revenue Divisional Officer,
Collector Office,
Madurai.

4.The Tahsildar,
Madurai South,
Madurai.

5.Rebekka Navamani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, writ quashing the impugned proceedings of second respondent in Na.Ka.No.G-2/53997/2018



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dated 26.03.2018 and direct the second respondent to take on file the Revision Petition filed by the Writ Petitioner on file and dispose it on merits and accordance with law.

For Petitioner : Mr.S.Kandasamy

For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1 to R.4

Mr.K.Sekar for R.5

ORDER

Heard the learned counsel on either side.

2. There is a civil dispute between the writ petitioner on the one hand and the fifth respondent on the other. The fifth respondent moved the revenue authority and got patta mutated from the name of one Habiba Banu to her name. In the said proceedings, Habiba Banu was shown as the respondent, but she was set exparte. The petitioner states that he had purchased the petition mentioned plots from the said Habiba Banu on 07.01.2001.

3. The specific stand of the learned counsel appearing for the fifth respondent is that the property purchased by the petitioner is a different plot in the said layout. According to him, the petitioner purchased plot Nos.13, 14, 15, 29, 30 and 31. The fifth respondent is the owner of plot Nos.20 and 21.



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According to the fifth respondent, the plots owned by her and the plots owned by the writ petitioner are different.

4. In any event, this is a matter that has to be enquired into by the authority concerned. In this case, it is seen that the patta was mutated from Habiba Banu to that of the fifth respondent. Such mutation could not have been effected because the fifth respondent is not claiming through Habiba Banu. On the other hand, the writ petitioner was obviously a necessary party because he had stepped into the shoes of Habiba Banu. The second respondent had thrown out the writ petitioner's revision petition primarily on the ground of limitation. The limitation will start only from the date of knowledge. The writ petitioner was not even a party to the proceedings. It would be unfair to make the limitation run against him.

5. In this view of the matter, the impugned order in this writ petition is quashed. The matter is remitted to the file of the third respondent. The third respondent shall hear the writ petitioner and the fifth respondent and pass orders afresh in accordance with law. I make it clear that the outcome of this writ petition will not amount to strengthening the case of the writ petitioner or weakening the case of the fifth respondent. In other words, this case is wiped clean and it is open to the third respondent to pass orders one way or the other



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based on the records. The writ petitioner as well as the third respondent will appear either through counsel or their authorised power agent before the third respondent on **09.09.2022** along with the relevant records. The enquiry shall be conducted and final order will be passed within a period of eight weeks thereafter.

6. This writ petition is allowed. No costs.

22.08.2022

Index : Yes / No
Internet : Yes/ No
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