



W.P(MD)No.22685 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22685 of 2021

and

W.M.P.(MD)Nos.19164 and 19166 of 2021

Akbar Ali Ambalam

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Special Tahsildar,
Special Officer,
G.R. Karaikudi,
Sivagangai District.

5.Mohammed Kasim

6.Kadar Maideen

7.Mohamed Mansoor

8.Mohammed Haroon

9.Muthumohammed

... Respondents



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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 in Pa.Mu.P1/4388/2020 dated 08.11.2021 on the file of the 2nd respondent and quash the same and consequently direct the 4th respondent to restore the patta No.1379, 1381 pertaining to the lands in Survey No.365/229 to the extent of 0.05.5 and Survey No.365/231 to the extent of 0.09.50 situated at Thiruppathur, Thiruppathur Taluk, Sivagangai District.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.N.Ramesh Arumugam,
Govt. Advocate for R1 to R4.
Mr.E.Mohamed Abbas for R5 to R9

ORDER

Heard the learned counsel on either side.

2.The question that arises for consideration is whose names should be reflected in the revenue record in respect of the petition mentioned lands. The record produced by the learned Government Advocate clearly indicates that the S.No.365/229 stood in the names of K.Mohammed Meera (கா.முகம்மது மீரா)



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and K.Mohammed Kasim (கா.முகம்மது காசிம்) and S.No.365/231 stood in the name of K.Mohammed Kasim (கா.முகம்மது காசிம்). The revenue authorities are obviously not competent to go into the issue as to who had succeeded to the said pattadars. This issue has to be necessarily determined only by the jurisdictional Civil Court. Till the jurisdictional civil Court decides the issue, the revenue records in respect of S.No.365/229 will reflect the names of K.Mohammed Meera (கா.முகம்மது மீரா) and K.Mohammed Kasim (கா.முகம்மது காசிம்) and S.No.365/231 will reflect the name of K.Mohammed Kasim (கா.முகம்மது காசிம்). The *intere se* claims of the parties are left open.

3.At this stage, the learned counsel for the respondents 5 to 9 states that they had already filed O.S.No.29 of 2022 on the file of the District Munsif Court, Thiruppattur. It is only a suit for permanent injunction. They propose to amend the prayer and ask for declarative relief also. I am certain that the jurisdictional civil Court will permit such amendment in view of the order passed by this Court. After such amendment, the suit shall be disposed of on merits and in accordance with law within a period of twelve months. In the meanwhile if an interlocutory application is filed for injunction, the same shall be disposed of within a period of six weeks after such filing.



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4.The writ petition is disposed of accordingly. No costs. Consequently,
connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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