



W.P.(MD)No.26131 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26131 of 2022
and
W.M.P.(MD)No.20290 of 2022

A.Seeni Imran Khan

.. Petitioner

Versus

1.The District Revenue Officer,
Ramanathapuram.

2.Razaat, S/o.Ibrahim

3.Ajmalkhan, S/o.Abdul Kasim

4.Sarab Ali, S/o.Abdul Kasim

5.Balkis, W/o.Bakkir Mohideen

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to dispose of the petition in Petition No.4246259 filed by the Petitioner before the first respondent on 22.08.2022, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Prabhu Rajadurai

For 1st Respondent : Mr.A.Kannan
Additional Government Pleader



W.P.(MD)No.26131 of 2022

ORDER

WEB COPY The petitioner has approached this Court seeking a direction to the first respondent to dispose of Petition No.4246259, dated 22.08.2022, within a time frame.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the first respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 2 to 5 is dispensed with.

4. According to the learned counsel for the petitioner, the property bearing S.No.3/3A1B3A, measuring an extent of 5.48 Acres, situated at Aatrangarai Village, Ramanad Taluk and District, originally belonged to the petitioner's great grandfather Mohideen Fakir. In the S.L.R. records, the names of the petitioner's grandfather as well as the grandfather of the respondents 2 to 5 viz., Abdul Muthalip were shown along with other persons.

During the UDR Scheme, the family properties were divided. Without proper



W.P.(MD)No.26131 of 2022

enquiry, the name of the petitioner's grandfather and his descendants were left out and the name of the children of the said Abdul Muthalip, who are no more, were entered in the Patta. Earlier, two daughters of the said Abudl Muthalip filed a partition suit in O.S.No.157 of 1988 against their brothers and the petitioner's grandfather Syed Ibrahim and the other two children of the said Mohideen Fakir and a preliminary decree was passed on 27.08.1990. However, the daughters of Abdul Muthalip did not file any application for final decree. Though several properties are shown in the partition suit, the above property was left out by inadvertence. The above said property is not the individual and absolute property of the respondents 2 to 5 or their predecessor, the children of Abdul Muthalip. It is a part of family Estate and undivided property. In the said circumstances, during UDR Scheme, the names of the children of Abdul Muthalip were entered as Pattadhras. Hence, the petitioner made an application to the first respondent on 22.08.2022. However, the same has not been considered so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the first respondent submitted that the petitioner's petition dated 22.08.2022, would be considered and appropriate orders would be passed on merits and in accordance with law, after issuing notice to all the necessary parties concerned, within a time frame.



W.P.(MD)No.26131 of 2022

6. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the first respondent, this Court, without going into the merits of the case, directs the first respondent to consider and pass appropriate orders on the petitioner's petition, dated 22.8.2022, on merits and in accordance with law, after issuing notice to all the necessary parties concerned, within a period of 20 weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
smn2

18.11.2022

To

The District Revenue Officer,
Ramanathapuram.



WEB COPY



W.P.(MD)No.26131 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD)No.26131 of 2022

18.11.2022