



W.P.(MD)No.9602 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9602 of 2012

and

M.P.(MD)No.2 of 2012

and

W.M.P.(MD)No.12239 of 2016

and

M.P.(MD)No.1 of 2014

K.Hairudeen Ahamed

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram.

2.The District Revenue Officer,
Ramanathapuram.

3.The Revenue Divisional Officer,
Ramanathapuram.

4.The Tahsildar,
Ramanathapuram.

5.M.K.S.Ameer Sakith (died)

6.Fathima

6.Mohamed Zaheer

7.Ahmed Jalal



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8.Eusuf Husain

9.Abdul Cader Bhuary

(Respondents 6 to 9 are suo motu impleaded
vide order dated 18.08.2023)

... Respondents

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 order of the second respondent passed in Na.Ka.B5/28963/2012, dated 25.06.2012 and to quash the same as illegal and direct the second respondent to give opportunity to the petitioner before passing the orders in the revision filed by the fifth respondent in Na.Ka.B5/28963/2012.

For Petitioner : Mr.Meenakshisundaram
for Mr.R.Murugan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1 to R4

: Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran for R5

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R4 and the learned Senior Counsel appearing for the fifth respondent.

2. The petitioner herein claimed that his father Kadhar Mohaideen purchased 16 acres and 20 cents in Old Survey No.245, Athiyuthu Village from



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one Mohammed Abdullah vide sale deed bearing Document No.339/1956 and that since patta No.66 reflects the name of one Ameer Sakith alone, he wanted his name to be entered in the revenue record in respect of the land purchased by his father. The case of the petitioner was accepted and the Revenue Divisional Officer passed the order dated 30.04.2012 accepting the case of the petitioner. Aggrieved by the same, Thiru.M.K.S.Ameer Sakith filed revision before the District Revenue Officer, Ramanathapuram. The District Revenue Officer, Ramanathapuram vide order dated 25.06.2012 set aside the order passed by the Revenue Divisional Officer, Ramanathapuram and allowed the revision filed by the fifth respondent. Challenging the same, this writ petition came to be filed.

3. The following facts emerge:-

The old Survey No.245, Athiyuthu Village, Ramanathapuram Taluk measured total extent of 38.35 acres. The survey and settlement record indicated the name of one Mohammed Mohideen and one Abudl Kadhar Shahib Maraikayar as the pattadhars. During UDR, the name of M.K.S.Ameer Sakith was entered. Ameer Sakith claimed to be the descendant of Abudl Kadhar Shahib Maraikayar. The father of the petitioner Thiru.Kadhar Mohaideen purchased 16.20 acres of land from one Mohammed Abdullah.



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I wanted to know if the name of Mohammed Abdullah was ever entered in any of the revenue record at any point of time. My attention has not been drawn to any such entry.

4. I am therefore of the view that the District Revenue Officer, Ramanathapuram was justified in interfering with the order passed by the Revenue Divisional Officer, Ramanathapuram. It is the petitioner who wants to disrupt the status quo. Therefore, it is he who must go to the jurisdictional Civil Court for establishing his rights in the manner known to law. The order impugned in the writ petition does not warrant interference. The outcome of this writ petition will not affect the rights of the petitioner. The jurisdictional civil court will decide the issue based on the evidence adduced before it as per law.

5. Leaving open the respective rights of the parties, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

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3.The Revenue Divisional Officer,
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4.The Tahsildar,
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G.R.SWAMINATHAN, J.

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