



W.P(MD)No.1541 of 2019

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 03.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.1541 of 2019**

Kelamathur Muslim Jamath Jumma Pallivasal

Represented by its President

A.Abdul Mazith,

Kelamathur,

Madurai West Taluk,

Madurai District – 625 234.

... Petitioner

Vs

1.The Tahsildar,

Madurai West Taluk,

Acchampattu Madurai.

2.The Revenue Divisional Officer,

Collectorate Complex,

Madurai.

3.R.Ayisha Mariam Beevi

*(R.3 is suo motu impleaded vide*

*order of this Court dated 03.09.2020*

*in REV.APLW(MD)No.24 of 2020*

*in W.P(MD)No.1541 of 2019)*

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue a separate patta in respect of the property to an extent 0-03.5 Aeres in S.No.24/8 Kelamathur Village, Madurai West Taluk, Madurai after making sub division in



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the name of Kellamathur Muslim Jamath Zumma Pallivasal in pursuance of petitioner's application dated 03.04.2017.

For Petitioner : Mrs.G.Vidhya Maheswaran

For Respondents : Mr.A.K.Manickkam  
Special Government Pleader  
for R.1 & R.2

Mr.H.Arumugam for R.3

### **ORDER**

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the third respondent.

2. The issue that arises for consideration in this writ petition is whether separate patta in favour of Kelamathur Muslim Jamath Jumma Pallivasal can be issued. It is seen from the affidavit filed by the impleaded respondent that the land on which the Pallivasal is presently situated was donated by one Mohaideen Rawther. It is claimed by the third respondent that the said Mohaideen Rawther constructed a mosque and dedicated the same for the worshipping public. The land is comprised in Survey No.24/8 in Kelamathur Village, Madurai West Taluk, Madurai. The revenue record is reflecting the names of four individuals. The fact remains that the mosque is in existence for almost a century. It has also been duly compounded. When once the land has



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been dedicated for constructing a mosque and a mosque has also been constructed, the successors or the persons coming in the lineage of the original land owner can no longer have any claim thereon.

3. In these circumstances, the mosque is definitely entitled to a separate patta. I direct the Tahsildar, Madurai West Taluk, Madurai to conduct a field enquiry. He shall issue separate patta in favour of and in the name of the mosque in respect of the land that is under its occupation and enjoyment. I make it clear that the separate patta that is to be issued in favour of Pallivasal will not carry the name of any individual. I further make it clear that separate patta is issued based on the order of this Court and not based on the application of any individual. I am constrained to make this clarification in view of the rival claims between the parties regarding the Management of the mosque. The said issue is left entirely open and it can be resolved before the appropriate forum.

4. The first respondent shall conclude the enquiry and issue separate patta within a period of twelve weeks from the date of receipt of a copy of this order. Since the existence of the mosque is not in dispute it is not necessary for the jurisdictional Tahsildar to issue notice to the other pattadhars. Notice also need not be issued before conducting survey.



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5. This writ petition is disposed of accordingly. There shall be no order

as to costs.

**03.01.2023**

Index : Yes / No  
Internet : Yes/ No  
NCC : Yes / No  
MGA

To

1.The Tahsildar,  
Madurai West Taluk,  
Acchampattu Madurai.

2.The Revenue Divisional Officer,  
Collectorate Complex,  
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**G.R.SWAMINATHAN, J.**

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