



W.P(MD)No.14154 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14154 of 2015
and
M.P.(MD)Nos.1& 2 of 2015

S.Sarbuthin

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Aranthangi, Pudukkottai District.

3.The Tahsildar,
Office of Taluk Office,
Manamelgudi, Pudukkottai District.

4.K.M.N.Mohammed Kasim

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in impugned order in Pa.Ma.Me.Mu.08/2014.A6 dated 03.07.2015 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.M.V.Venkateshan



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For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1 to R3

: Mr.Mohammed Refi
for M/s.Ajmal Associates for R4

ORDER

Heard both sides.

2. The petitioner applied to the Tahsildar, Manamelgudi for issuance of patta in his name in respect of the petition mentioned properties. His application was accepted and Patta No.499 was issued in favour of the petitioner on 23.10.2013. Aggrieved by the same, the fourth respondent filed an appeal before the Revenue Divisional Officer, Aranthangi. Vide proceedings dated 03.07.2015, the Revenue Divisional Officer set aside the order passed by the Tahsildar and directed restoration of the earlier position in the revenue record. Aggrieved by the same, the present writ petition came to be filed.

3. The learned counsel for the petitioner contended that the fourth respondent has already filed partition suit and that therefore, the question of formally invoking jurisdiction of the Revenue Divisional Officer would not arise. He also would add that the petitioner was not given notice before passing the impugned order.



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4. On the other hand, the learned Special Government Pleader as well as the learned counsel for the fourth respondent submitted that the impugned proceedings do not call for any interference.

5. I carefully considered the rival contentions and went through the materials on record.

6. It is not in dispute that the petitioner got his name entered in the revenue record on the strength of the Will said to have been executed by one Mohammed Ali Marakayar dated 12.04.2006. The stand of the fourth respondent which is reflected in the impugned order is that the testator Mohammed Ali Marakayar did not have any title to bequeath in favour of the petitioner herein. I wanted to know if before issuing patta in favour of the petitioner, the interested persons were put on notice. No material is available in this regard. I called upon the learned counsel for the petitioner to produce copy of the patta in the name of the testator Mohammed Ali Marakayar. That has also not been enclosed in the typed set of papers. The Revenue Divisional Officer, Aranthangi has merely directed restoration of the names of the original pattadhars in the revenue record. No order favouring the fourth respondent has



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been passed. The parties are already locked in civil litigation. The impugned order does not prejudice the petitioner in any manner. Therefore, holding that the rights of the parties will abide by the outcome of O.S.No.61 of 2014 on the file of the Principal District Court, Pudukottai, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.



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