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W.P.(MD)NO.5688 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5688 of 2015 AND
M.P.(MD)Nos.1 & 2 of 2015

Abdul Rahman

... Petitioner

Vs.

1. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

2. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

3. Seeni Mohammed

4.Jaina Begum

5. Veerapathran

6. P.S.Pandian

7.Radiammal

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in Moo.Mu.D.R. No.992, 993/S/2014 dated 04.02.2015 on the file of the first respondent herein and quash the same.



For Petitioner : Mr.K.Rajeshwaran
For R-1 : Mr.D.Gandhiraj,
Special Government Pleader.
For R-2 : Mr.M.Kannan
For R-4 to R-7 : Mr.R.Senthilkumar

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and the learned counsel appearing for the private respondents.

2. The learned counsel who entered appearance for the private respondents informed the Court that he is unable to get instruction in spite of her best efforts.

3. It is seen that the property in question originally belonged to the petitioner's father Mohammed Yusuf. The petitioner's father got remarried and left the family. He is said to have executed release deed in favour of the petitioner's



mother Mahmoodha Beevi and the petitioner and his siblings.

But the children born to the Mohammed Yusuf through the second wife raised rival claim. In order to declare their rights, the petitioner's siblings filed O.S.No.45 of 2007 before the District Munsif, Paramakudi seeking the relief of permanent injunction. The suit was decreed on 11.10.2011. Aggrieved by the same, respondents 3 and 4 herein filed A.S.No.7 of 2012 before the Sub Court, Paramakudi. The appeal was dismissed on 08.11.2013. Thereafter, respondents 3 and 4 sold the petition-mentioned property in favour of respondents 6 and 7. Respondents 6 and 7 filed a petition before the Tahsildar, Paramakudi and got the revenue record changed in their favour of 04.02.2015. Challenging the said proceedings, the present writ petition came to be filed.

4. I am more than satisfied that the impugned order is patently illegal. The Tahsildar, Paramakudi was obliged to have put the petitioner on notice. Without doing so, erroneously the mutation was made. More than anything else, respondents 6 and 7 have purchased the property from respondents 3 and 4 after they lost their suit.



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5. The learned Special Government Pleader on instructions states that the revenue record as on date reflects the name of Mahmoodha Beevi, W/o.Mohammed Yusuf. The position that obtained immediately prior to the passing of the impugned order shall be restored.

6. In this view of the matter, the order impugned in this writ petition stands set aside. This writ petition stands allowed. Consequently, connected miscellaneous petitions are closed.

31.08.2023

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

PMU

To:

1. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
2. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.



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G.R.SWAMINATHAN,J.

PMU

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