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W.P.(MD)NO.7128 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7128 of 2023

M.Rahmath Rabbani

... Petitioner

Vs.

1. The District Collector,
Ramnad District.
2. The Sub Collector,
Mani Nagar,
Paramakudi – 623 707,
Ramnad District.
3. The Tahsildar,
Taluk Office,
Paramakudi – 623 707,
Ramnad District.
4. The Village Administrative Officer,
Ariyanenthal Village Group,
Paramakudi – 623 707,
Ramnad District.
5. The Village Administrative Officer,
Vendhoni Village Group,
Paramakudi – 623 707,
Ramnad District.
6. Nasheer Alikhan
7. Salim Sait
8. Naina Mohamed

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent made in Pa.Mu(A3)7547/2022 dated 01.03.2023 and quash the same as illegal, and directing the second respondent to consider the petitioner's representation dated 20.03.2023 demanding transfer of patta in the petitioner's name within time frame that may be fixed by this Court.

For Petitioner : Mr.S.Raja Mohamed,
for M/s.Mohamed Associates.

For R-1 to R-5 : Mr.S.Kameshwaran,
Government Advocate.

For R-6 to R-8 : Mr.V.Meenakshisundaram

* * *

ORDER

Heard the learned counsel on either side.

2. The petition mentioned property belonged to one Kader Masthan. The petitioner claims that the said Kader Masthan is her paternal uncle. Kader Masthan had passed away. The revenue record was mutated in favour of the private respondents. Admittedly, the private



respondents are not the legal heirs of the deceased Kader Masthan. The petitioner challenged the same before the second respondent. The second respondent passed the impugned order dated 01.03.2023 rejecting the petitioner's request for incorporating her name as pattadar. However, the names of the private respondents were ordered to be deleted. The private respondents have not filed any revision challenging their deletion.

3. The only question that calls for consideration is whether the petitioner's name could have been substituted as pattadar in the place of the deceased Kader Masthan. The petitioner is only the niece of the deceased pattadar. The petitioner has not produced any legal heir certificate before this Court.

4. Therefore, I am not in a position to interfere with the impugned order. Liberty is given to the petitioner to approach the third respondent along with a fresh application. The petitioner must produce the legal heir certificate of the deceased Kader Masthan. All the legal heirs must appear before the third respondent and if they express their no objection for mutation of patta in favour of the petitioner, patta can be issued in favour of the petitioner. If the petitioner is unable to produce the legal heirs or obtain their consent, the only remedy to the petitioner is to go before the jurisdictional civil Court. I am granting liberty to the



petitioner to go before the jurisdictional civil Court because the petitioner's counsel states that the petitioner has been in possession of the petition mentioned property for more than forty years.

5. With this liberty to the petitioner and the direction to the third respondent, this writ petition stands disposed of. No costs.

20.03.2024

Index : Yes / No

Internet : Yes/ No

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To:

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5

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G.R.SWAMINATHAN,J.

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