



W.P.(MD)No.27894 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.27894 of 2024

Shabeer Ahamed

... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

2. The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

3.Fathima Juberia

4.Abul Hussain

5.Yasar Arafath

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent No.1 to correct the extent and dimensions in the FMB and Patta of Survey No.902/1 of Madhavalayam Village, Thovalai Taluk, Kanyakumari District considering the petitioner's representation dated 02.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.A.S.Abul Kalaam Azad

For R1 & R2 : Mr.A.Kannan

Additional Government Pleader



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ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondent No.1 to correct the extent and dimensions in the FMB and Patta of Survey No.902/1 of Madhavalayam Village, Thovalai Taluk, Kanyakumari District considering the petitioner's representation dated 02.02.2023 within the time stipulated by this Court.

2. With consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner's father was the owner of the subject property in S.No.902/1, Madhavarayan Village, Thovalai Taluk, Kanyakumari District under a registered settlement deed in Doc.No.221/1950. The extent of the property was 14.25 cents. After re-survey, the extent of the property was mentioned as 13.05 cents, which the petitioner found out from the FMB sketch. According to the petitioner, approximately one cent of land was wrongly mutated in the name of the third respondent in S.No.902/2. The petitioner's case is that the third respondent had no right, title or interest over the subject property, as it belonged to the



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petitioner and therefore, the petitioner submitted a representation to the first respondent on 02.02.2023 which is forwarded to the second respondent. The second respondent summoned the petitioner on several occasions and the petitioner appeared and submitted the relevant documents and gave his statement. As no further action was taken, the petitioner filed the above Writ Petition for the aforesaid relief.

4. The learned Additional Government Pleader submits that the petitioner is a physically handicapped person and therefore, specific date may be fixed so that the petitioner may appear before the second respondent and re-submit the documents and his statement.

5. Considering the fact that the petitioner is a physically handicapped person, I am inclined to issue a direction for expeditious enquiry. Accordingly, the second respondent is directed to issue summons to the petitioner as well as the rival claimants within a period of two weeks, from the date of receipt of a copy of this order mentioning the specific date, with clear ten days time to appear before him. The petitioner shall appear along with relevant documents. The second



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respondent shall conduct the enquiry on the said date and submit his report to the first respondent within a period of two weeks thereafter. It is needless to state that the first respondent, on receipt of the report, shall pass orders on merits and in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs.

22.11.2024

Index : Yes / No
NCC : Yes / No
CM

To,
1.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

2. The Tahsildar,
Thovalai Taluk,
Kanyakumari District.



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N.MALA, J.

CM

Order made in
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Dated:
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