



W.P(MD)No.30826 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30826 of 2023

and

W.M.P.(MD)Nos.26468 and 26471 of 2023

A.K.Abdul Kareem

... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul District,
Collectorate,
Dindigul.

2.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made by the 1st respondent in C.M.P.No.34/2010/D1 dated 30.05.2023 and quash the same as illegal and consequently direct the respondents to restore the patta in the name of the



W.P(MD)No.30826 of 2023

petitioner in respect of the lands subject matter of the impugned proceedings within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner's father purchased the petition mentioned property vide registered sale deeds. The vendors were assignees. The case of the petitioner is that the purchase was made after the expiry of the statutory period of 10 years. Patta was also mutated in favour of the petitioner's father. Whiles, the Revenue Divisional Officer, Dindigul cancelled the petitioner's father's patta. Aggrieved by the same, the petitioner's father O.S.No.69 of 2004 on the file of District Munsif Court, Kodaikanal. The suit was decreed on 19.03.2008. The petitioner would categorically state that the said decree has become final and it was not challenged before the appellate Court. The petitioner approached the first respondent for implementation of the Civil Court's decree. At that stage, the impugned order came to be passed once again confirming the cancellation



W.P(MD)No.30826 of 2023

order passed by the Revenue Divisional Officer, Dindigul vide Na.Ka.No.1627/2000/A1 dated 23.04.2002. Challenging the same, this writ petition came to be filed.

3.Though the learned Additional Government Pleader made a valiant attempt to sustain the impugned order, I must observe that the respondents have zero case. Copy of the judgment and decree made in O.S.No.69 of 2004 has been enclosed. The Civil Court has categorically declared that the order dated 23.04.2002 passed by the Revenue Divisional Officer, Kodaikanal is null and void and it is unenforceable. When the jurisdictional Civil Court had passed an order on such lines, if the Government or the district administration felt aggrieved, their only remedy was to go before the Sub Court or the District Court, as the case may be. Instead of doing so, the District Revenue Officer, Dindigul could not have on her own resurrected the order passed by the Revenue Divisional Officer, Kodaikanal. The executive authorities are expected to act in conformity with judicial orders and decrees. If the executive authorities can be permitted to act in breach of judicial orders, that will definitely undermine the rule of law. On this ground, the impugned order is set aside and the writ petition is allowed. The third respondent is directed to mutate the patta in respect of the petition mentioned lands in favour of the legal



W.P(MD)No.30826 of 2023

heirs of late A.K.Kaja Kamaludeen. This shall be done as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

25.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Revenue Officer,
Dindigul District, Collectorate,
Dindigul.
- 2.The Revenue Divisional Officer,
Kodaikanal, Dindigul District.
- 3.The Tahsildar,
Kodaikanal Taluk,
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W.P(MD)No.30826 of 2023



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W.P(MD)No.30826 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.30826 of 2023

25.06.2024