



W.P.No.19934 of 2011

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.19934 of 2011

and

M.P.Nos.2 and 4 of 2012

and

W.M.P.No.6281 of 2024

M.Y.Siddiq Sait

... Petitioner

Vs.

1.The Secretary to Government of
Tamil Nadu,
Municipal Administration Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Nilgiris District,
Ootacamund.

3.The Ootacamund Municipal Council,
By its Commissioner,
Hospital Road, Ootacamund,
Nilgiris District.

4.M.Ashok Chand

5.M.Dharmachand



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WEB COPY 6.M.Jaichand

7.M.Vijai Chand

8.S.Kanthilal

9.S.Mahaveer Chand

10.S.Balchand

... Respondents

(R4 to R7 are residing at 68/128, Main Bazaar Road, Ootacamund, Nilgiris District and R8 to R10 are residing at No.129, S.M.Jewellers, Main Bazaar, Ootacamund, Nilrigis District – cause title amended as per order dated 26.02.2013 in M.P.No.1/2011 in W.P.No.19934/2011)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 25.07.2011 to re-deliver the lands comprised in R.S.No.4147 to the extent of 1.56 9/16 acres at Ootacamund, Nilgiris District belonging to G.H.Ayub Sait.

For Petitioner : Mr.R.Murugabharathi

For R1 and R2 : Mr.M.S.Premkumar
Government Advocate

For R4 and R5 : Mr.Rahul Balaji

For 6 and R7 : Mr.M.S.Swathish Kumar
for M/s.Sarvabhauman Associates



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For R3, R8, R9 and R10 : No Appearance

ORDER

The present writ petition has been filed with a prayer for issuing a Mandamus, directing the respondents to consider the representation of the petitioner dated 25.07.2011 to re-deliver the lands comprised in R.S.No.4147 to the extent of 1.56 9/16 acres at Ootacamund, Nilgiris District belonging to G.H.Ayub Sait.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the properties comprised in R.S.No.4147 situated at Ootacamund, Nilgiris District belonged to one Fathima Bee wife of Ghulam Hussain Ayub Sait. It is the further submission of the petitioner that in view of some property tax against the above property, the 3rd respondent-Municipality has filed a suit in



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O.S.No.177 of 1974 on the file of the Subordinate Court, Ootacamund, Nilgiris District and got a decree for a sum of Rs.12,633.52/-. Since the said decree amount was not satisfied, the 3rd Respondent-Municipality has preferred an execution petition in E.P.No.73 of 1976, wherein the property was ultimately brought in auction on 25.09.1978. It is the further submission of the petitioner that in collusion with the 3rd respondent, the predecessor in title of the respondents 4 to 10 have took the said property in auction. According to the petitioner, since the auction was conducted by playing fraud against the Court and in collusion with the 3rd respondent, the said auction will not bind upon the petitioner and liable to be set aside. In this regard, the petitioner has given representation dated 25.07.2011.

4. Per contra, the said contention was totally objected by the respective respondents and would contend that the present petitioner has already aware about the earlier execution petition and would further submit that when there was some issue between the Fathima Bee and the present petitioner, he has filed a suit in O.S.No.209 of 1981 on the file of the Subordinate Court, Nilgiris and has also attached the EP amount in E.P.No.73 of 1976. Having aware about the filing of execution petition and the subsequent auction, the



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petitioner now after lapse of 48 years cannot challenge the same and cannot seek for a Mandamus to consider his representation.

5. I have given my anxious consideration to the submissions made on either side.

6. The summons substance of the present writ petition is that according to the petitioner the auction dated 25.09.1978 is a result of fraud and collusion rendered by the 3rd respondent with connivance of the respondents 4 to 10. As rightly contended by the learned counsel for the respective respondents that in the case in hand though the present petitioner is challenging the auction, he himself has attached the amount available in E.P.No.73 of 1976 in I.A.No.481 of 1981 and apart from that when there was an auction in the year 1978, after lapse of more than 46 years he cannot raise such an objection of fraud and collusion by filing a writ petition.

7. As the fraud and collusion cannot be considered by a Writ Court, as it requires voluminous evidence and documents. Therefore, this Court



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absolutely does not find any merits in the present writ petition.

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8. In the result, the Writ Petition is dismissed. No costs. In view of the order passed in the main writ petition, all the connected miscellaneous petitions are closed.

19.08.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm



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C.KUMARAPPAN, J.

dm

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