



W.P(MD)No.2335 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition(MD)No.2335 of 2022

and

W.M.P(MD)Nos.2039 of 2022, 20841 & 25886 of 2023

S.N.Shaik Dawood

..Petitioner

Vs

1.The District Collector,
Sivagangai District,
Collectorate, Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai Post and District.

4.The Tahsildar,
Ilayangudi Taluk Office,
Ilayangudi Post & Taluk,
Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus to direct the respondents to restore the patta issued in the name of the petitioner viz. Mr.S.N.Shaik Dawood and Mr.P.Jainulabudheen and make necessary entries in the Revenue Register in their name in respect of the land measuring to an extent of 4 Acre and 71 cents comprised in Survey No.193/3, Keelayur Vilage, Ilayakudi Taluk, Sivagangai District.



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For Petitioner : Mr.C.Venkateshkumar for
M/s Ajmal Associates

For Respondents : Mr.S.Jeya Priya
Govt. Advocate

ORDER

This writ petition is filed seeking a direction to respondents to restore the patta issued in the name of the petitioner and make necessary changes in the revenue documents in respect of the land situated in S.No.193/3, Keelayur Village, Ilayakudi Taluk, Sivagangai District, with an extent of 4 acres 71 cents.

2. According to the petitioner, the subject property was purchased by him under the sale deed dated 03.05.2006 from one Varusai Mohamed. Subsequently, patta was also issued in the name of the petitioner in patta No.1357. It is also stated by the petitioner that prior to the purchase, the revenue documents stood in the name of the petitioner's vendor, Varusai Mohamed, in the very same survey number. Subsequently, it came to the knowledge of the petitioner that the subject property has been converted as a Government Natham and the respondents proposed to allot the same to the beneficiaries under the special scheme of the Government as free house. Under these circumstances, the petitioner submitted a representation before



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the first respondent on 31.01.2022 seeking restoration of the revenue records in the name of the petitioner. The same has not been considered, and hence, the petitioner has come before this Court.

3. The fourth respondent filed a counter and opposed the prayer in the writ petition on the ground that the subject property, along with a larger extent of land in S.No.193 was originally classified as “Sarkar Punjai Tharisu,” and during the years between 1980 and 1984, the said property was mistakenly subdivided into S.No.193/1 to S.No.193/347 and free assignment pattas have also been issued in favour of a number of persons, including one Saburkhan Beevi. The petitioner is said to have purchased the said property from Saburkhan Beevi's husband, Varusai Mohamed. After noticing the mistake in the subdivision and issuance of the assignment patta, the first respondent initiated action for cancellation of the assignment patta, and a Gazette notification was issued on 18.06.1999 calling for objections from the interested persons. After considering the objection received in response to the Gazette notification, the first respondent in his proceedings in Na.Ka.No.C2-33877/99 dated 15.05.2006 cancelled the assignment issued in favour of various persons, including the above-mentioned Suburkhan Beevi. Therefore, according to the official respondents, after cancellation of the assignment in favour of the petitioner's vendor, Varusai Muhamed's wife, Saburkhan Beevi, the petitioner cannot claim any right over the subject property.



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4. The petitioner filed the writ petition seeking a Mandamus to direct the respondents to consider the representation.

5. It is seen from the documents filed along with their counter affidavit that an order was passed by the first respondent as early as 15.05.2006 cancelling the assignment in favour of various persons, including the petitioner's vendor's wife, Saburkhan Beevi. In such circumstances, without challenging the assignment cancellation order, the petitioner is not entitled to maintain the writ petition for issuance of a mandamus.

6. Accordingly, this writ petition stands dismissed with the liberty to the petitioner to challenge the assignment cancellation order in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

29.07.2025

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



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S.SOUNTHAR, J.

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