



W.P.(MD)No.14607 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :21.11.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14607 of 2024

and

WMP (MD) Nos.12802 & 12804 of 2024

Rahamathullah

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3. Akbar Ali,
The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

4. The Tahsildar,
Pattukottai,
Pattukottai Town Survey,
Thanjavur District.

5. A.Mohamed Abdulla

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order made by the 3rd respondent in Na.Ka.No. 2605/2022/A4, dated 12.01.2024 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents :Mr.K.Balasubramani
Spl. Government Pleader for R1, R2 & R4
Mr.G.Prabhu Rajadurai
for M/s.Ajmal Associates for R5

ORDER

The petitioner assails order dated 12.01.2024 of the Revenue Divisional Officer.

2. Learned counsel for the petitioner submits that a writ petition was filed earlier by the Secretary of the adhoc committee against an order issued by the third respondent herein in the capacity of Revenue Divisional Officer. He refers to the allegation made in the said writ petition that the officer concerned is the brother-in-law of the fifth respondent therein. He points out that the court took note of these allegations and directed the District Collector not to depute the said officer and to instead depute a different officer to assist the adhoc



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committee to retrieve the properties. By referring to the impugned order, learned counsel points out that the order was issued a few months after the order of this Court. He also points out that the order records that an inquiry was conducted on 19.05.2022 and 17.03.2023. By emphasising the long interval between the last date of hearing and the date of order, learned counsel submits that the order was issued by an officer who was biased against the petitioner because of past developments. In this connection, learned counsel clarifies that the earlier writ petition was filed by the Secretary of the adhoc committee and that this writ petition has been filed by the President.

3. These contentions are strongly refuted by learned counsel for the fifth respondent. Learned counsel denies that the third respondent herein is related to the fifth respondent herein. He also submits that the earlier writ petition pertained to the properties of a Waqf and is completely unrelated to the present patta proceedings. By referring to the typed set of documents filed on 17.03.2025, the fifth respondent traces title through a Hiba executed by Mohammed Abubakar and Haja Bakrudeen. He also points out that the Hiba was referred to in a registered partition deed dated 24.03.2011. In those circumstances, learned counsel contends that



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the petitioner has no basis to assert title over the property since he did not take the trouble of even verifying the encumbrance certificate relating thereto. Learned counsel also referred to the suit filed by Haja Bakrudeen in O.S.No.19 of 2017 and to the judgment and decree dated 21.11.2022 in such suit. In these circumstances, learned counsel submits that the mutation of the patta in favour of the petitioner without notice to the fifth respondent was correctly interfered with by the Revenue Divisional Officer and that the said order contains no infirmity.

4. Allegations have been levelled against the Revenue Divisional Officer who issued the impugned order. Therefore, the said officer has been arrayed in his individual capacity as the third respondent. At this juncture, notice has not been served on the third respondent and, consequently, the said respondent has not had the opportunity to deal with the allegations. Therefore, I do not intend to record any findings on the allegations made by the petitioner against the third respondent.

5. The documents filed by the fifth respondent include the Hiba and the partition deed. These documents pre-date the sale deed in favour of the petitioner. Considering these aspects, I am not inclined to interfere



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with the status of revenue records as on date. I am informed that the revenue records have been mutated in the name of the fifth respondent. However, learned counsel for the petitioner also contended that the impugned order was issued after taking note of the cancellation of the sale deed in favour of the petitioner at the instance of the District Registrar by order dated 10.10.2022. He submitted that the said order was set aside by the appellate authority later. Considering these developments and the fact that an allegation was levelled against the officer who issued the order, I consider it appropriate to remand the matter for reconsideration. Learned counsel for the fifth respondent also consents to this course of action.

6. For reasons aforesaid, the impugned order is set aside and the matter is remanded to the incumbent Revenue Divisional Officer for reconsideration. After providing a reasonable opportunity to the petitioner and the fifth respondent, a speaking order shall be issued within three months from the date of receipt of a copy of this order. For the avoidance of doubt, it is clarified that the status of revenue records as on date shall be maintained.



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7. This writ petition is disposed of on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.11.2025

NCC :No
Internet :Yes
Index :No
PKN

To

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SENTHILKUMAR RAMAMOORTHY, J.

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