



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

and

W.M.P(MD)Nos.16615 of 2021, 3655, 3656 of 2022, 9309 & 9311 of 2022

1.W.P(MD)No.4403 of 2019:

Abubackar Sithick

... Petitioner

Vs

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The District Revenue Officer,
(Land Acquiring Officer & National Highways),
District Collector Campus,
Pudukkottai,
Pudukkottai District.
- 3.The Special Tahsildar,
(Land Acquiring Officer & National Highways No.226),
Manjula Theater Road,
Thirupathur – 630 211,
Sivagangai District.
- 4.The Project Director,
National Highways Authority of India (NHAI),
No.1, Subramaniyapuram,
3rd Street, Karakudi,
Sivagangai District.
- 5.M.Shajakhan
- 6.M.Isamil



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

7.M.Mohammed
8.M.Sait John
9.M.Parakkath Ali

... Respondents

(R – 4 is impleaded vide order dated 07.03.2019
in W.M.P(MD)No.4058 of 2019)

(R - 5 to R – 9 are impleaded vide order dated
07.09.2020 in W.M.P(MD)No.9201 of 2020)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to forthwith pay the compensation amount to the petitioner towards the acquisition of his lands in Survey Nos.86/2 and 86/3, Thenmapattu Village, Thirupathur Taluk, Sivagangai District with reasonable interest.

For Petitioner : Mr.N.Dilip Kumar

For RR 1 to 3 : Mr.D.Gandhi Raj
Special Government Pleader

For R – 4 : Mr.S.Sankara Pandian
for Mr.C.Arul Vadivel Associates

For RR 5 to 9 : Mr.T.R.Subramanian

2.W.P(MD)No.19919 of 2021:

M.Barakath Ali

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai – 28.

2.The District Regional Registrar,
The Office of the District Regional Registration,
Madurai.



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

3.The District Registrar,
Karaikudi Registration District,
Karaikudi,
Sivagangai District.

4.The Sub Registrar,
Tirupattur Sub Registration Office,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fourth respondent in RFL/Tirupattur/02.05.2021, dated 05.10.2021 and quash the same as illegal and consequently to direct the respondents particularly the fourth respondent to register and release the Inam settlement deed dated 14.09.2021.

For Petitioner : Mr.R.M.Suresh

For Respondents : Mr.M.Sarangan
Additional Government Pleader

3.W.P(MD)No.4303 of 2022:

Abubacker Siddique

... Petitioner

Vs

1.The District Revenue Officer,
Sivagangai,
Sivagangai District.

2.Mydeen Beevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in P.Mu.P4/1595/2021 dated 04.06.2021 impugned order



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

passed by the first respondent as illegal and consequently directing the first respondent to restore the patta No.407 stands in the petitioner's mother name Rashiya Begum.

For Petitioner : Mr.P.Thangapandi

For R – 1 : Mr.M.Sarangam
Additional Government Pleader

For R – 2 : Mr.D.Venkatesh

4.W.P(MD)No.13095 of 2022:

Abubacker Siddique

... Petitioner

Vs

1.The Deputy Inspector General of Registration,
Madurai Region,
Office of the Deputy Inspector General of Registration,
TNAU Nagar,
Rajakambiram,
Oothakadai,
Madurai – 625 107.

2.The District Registrar,
Office of the District Registrar,
Karaikudi – 1,
Sivagangai District.

3.The Sub Registrar,
Office of the Sub Registrar,
Thiruppathur,
Sivagangai District.

4.Mydeen Beevi
5.M.Barakath Ali

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent/Deputy Inspector General of Registration, Madurai Region in Na.Ka.No. 7729/2022/A4/2021, dated 31.05.2022.

For Petitioner : Mr.N.Dilip Kumar

For RR 1 to 3 : Mr.M.Sarangan
Additional Government Pleader

For RR 4 & 5 : Mr.P.Jeganathan

COMMON ORDER

W.P(MD)No.4403 of 2019 has been filed by the petitioner for a direction directing the respondents to forthwith pay the compensation amount to the petitioner towards the acquisition of his lands in Survey Nos.86/2 and 86/3, Thenmapattu Village, Thirupathur Taluk, Sivagangai District with reasonable interest.

2.W.P(MD)No.19919 of 2021 has been filed by the petitioner/M.Barakath Ali for a direction to quash the impugned order passed by the fourth respondent and consequently to direct the respondents particularly the fourth respondent to register and release the Inam settlement deed dated 14.09.2021.



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

3.W.P(MD)No.4303 of 2022 has been filed by the petitioner challenging the impugned order passed by the first respondent dated 04.06.2021 and consequently to direct the first respondent to restore the patta No.407 stands in the name of the petitioner's mother name Rashiya Begum.

4.W.P(MD)No.13095 of 2022 has been filed by the petitioner challenging the order passed by the first respondent, dated 31.05.2022, thereby cancelling the patta issued in favour of Rashiya Begum and restoring it in its old position and accordingly, the property can be dealt with by the pattadhars in respect of the property comprised in Survey Nos.86/2 and 86/3 admeasuring 92 and 96 cents situated at Thenmapattu Group, Thiruppathur Taluk, Sivagangai District.

5.All these Writ Petitions were filed by the same petitioner in respect of the very same property. Therefore, this Court passes the common order.

6.The property comprised in Survey Nos.86/2 and 86/3



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

admeasuring 92 and 96 cents situated at Thenmapattu Group, Thiruppathur Taluk, Sivagangai District originally owned by the petitioner's grandfather Sheikji Sahib. He had purchased the subject property by the registered sale deeds vide Document Nos.2070 of 1941 & 1517 of 1942. He had two wives, namely Kadher Beevi and Sherifa Beevi. The respondents 4 and 5 in W.P(MD)No.13095 of 2022 are claiming title over the property through the first wife. The petitioner is claiming title over the property through the second wife. A partition deed was executed vide registered Document No. 316 of 1965 in which the son of the first wife as well as the sons of second wife are the parties. Accordingly, the subject property was allotted in favour of the sons of two wives, namely the petitioner's father and his four brothers. Thereafter, among the petitioner's father's family, they had family arrangement and the petitioner and his father obtained a patta in the name of his mother in the year 1972 for the subject property. While being so, there was an acquisition by the National Highways in respect of the portion of the subject property ie., to an extent of 283 and 2634 square meters in both survey Nos.86/2 and 86/3 respectively. In the said proceedings, the petitioner's mother was mentioned as the registered owner of the subject property and an award was also passed. The fourth respondent/Mydeen Beevi in W.P(MD)No.13095



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

of 2022 objected while disbursing the compensation. Hence, it was not disbursed to the petitioner's mother. Thereafter, the petitioner's mother died and as such, the petitioner filed a Writ Petition in W.P(MD)No.4403 of 2019 for a direction directing the Acquisition Officer to disburse the compensation for the land which was acquired, as per the Award. The fifth respondent/M.Barakath Ali in W.P(MD)No.13095 of 2022 born through the son of the first wife of the petitioner's grandfather, filed a suit after the demise of his father in O.S.No.56 of 2010 as against the petitioner's mother for declaration of title in respect of the subject property on the file of the District Munsif Court, Thirupathur. It was dismissed by judgment and decree dated 01.07.2014 and it was also confirmed by the first Appellate Court in A.S.No.69 of 2014 on the file of the Sub Court, Sivagangai, dated 12.10.2018. In fact, while pending the appeal suit, the petitioner's mother died and the petitioner was impleaded as respondent in the appeal suit. Thereafter, the fifth respondent/M.Barakath Ali in W.P(MD)No.13095 of 2022 did not file any second appeal. Suppressing the said fact, the fifth respondent/M.Barakath Ali in W.P(MD)No.13095 of 2022 and his brothers initiated proceedings before the District Revenue Officer, Sivagangai, to cancel the patta issued in favour of the petitioner's mother under Patta No.379 and claimed half share in the subject



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

property. The said request was rejected by order dated 24.09.2020.

Once again the fourth respondent filed an application challenging the patta issued in favour of the petitioner's mother before the very same authority, namely the District Revenue Officer, Sivagangai as against the petitioner's mother. In fact, the earlier proceedings initiated by the fifth respondent and his brothers impleaded the petitioner as a party and challenged the patta issued in favour of the petitioner's mother. That apart, even while pending appeal suit in A.S.No.69 of 2014, the petitioner's mother died and the petitioner was impleaded as a respondent. Even then, the fourth respondent suppressing all those facts cleverly initiated proceedings as against the deceased person, namely the petitioner's mother, challenging the patta issued in favour of the petitioner's mother. The District Revenue Officer, Sivagangai cancelled the patta issued in favour of the petitioner's mother by proceedings dated 04.06.2021 and ordered to issue patta in the name of the dead person namely the father of the petitioner as well as the father of the fifth respondent herein. It is under challenge in W.P(MD)No.4303 of 2022.

7.The fifth respondent/Barakath Ali filed a Writ Petition



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

in W.P(MD)No.19919 of 2021 as against the order passed by the fourth respondent, dated 05.10.2021 thereby rejecting the challenge of the patta issued in favour of the petitioner's mother. In fact, while pending the Writ Petition, suppressing these facts, the fifth respondent/M.Barakath Ali initiated proceedings once again before the very same District Revenue Officer, Sivagangai challenging the very same patta issued in favour of the petitioner's mother. In the meanwhile, the fifth respondent and his family members attempted to register the settlement deed in respect of the subject property before the fourth respondent/the Sub-Registrar and the same was rejected by the proceedings dated 05.10.2021. It was challenged before this Court in W.P(MD)No.19919 of 2021 by the fifth respondent. Simultaneously, the fifth respondent also challenged the rejection of registration of the settlement deed, dated 14.09.2021 before the District Registrar by filing an appeal and the same was also rejected by order, dated 27.07.2021. Therefore, nothing survives for further adjudication in the said Writ Petition in W.P(MD)No.19919 of 2022 and **W.P(MD)No.19919 of 2022 is dismissed as infructuous.**

8. Aggrieved by the order passed by the District



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

Registrar, dated 14.09.2021, the fifth respondent/M.Barakath Ali filed an appeal before the first respondent and also prayed for the cancellation of partition deed between the petitioner's father and his brothers vide registered Document No.316 of 1965. In view of the restoration of patta in the name of the petitioner's deceased father and the name of the deceased father of the fifth respondent, the first respondent by order dated 31.05.2022 allowed the appeal filed by the fifth respondent and the fifth respondent is permitted to deal with the subject property and directed to agitate before the civil Court against the partition deed registered vide Document No.316 of 1965.

9.The learned counsel appearing for the official respondents would submit that the order passed by the first respondent cannot be challenged in these Writ Petitions and the petitioner ought to have approached the appropriate civil Court for appropriate relief to substantiate the partition deed entered between the petitioner's father and his brothers.



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

10.The learned counsel appearing for the respondents 4 and 5 in W.P(MD)No.13095 of 2022 would submit that there was no suppression in respect of challenging the patta issued in favour of the petitioner's mother before the District Revenue Officer, Sivagangai. As per the order passed by the District Revenue Officer, Sivagangai, now the first respondent rightly passed the order.

11.As stated supra, the proceedings initiated before the District Revenue Officer, Sivagangai as against the dead person namely the petitioner's mother challenging the patta issued in favour of the petitioner's mother. In fact, already in the earlier proceedings, the very same District Revenue Officer rejected the claim made by the fifth respondent and directed him to approach the civil Court for appropriate relief. Without exhausting the civil Court remedy, in the name of the fourth respondent, once again the very same patta was challenged before the very same District Revenue Officer. Unfortunately, the same officer allowed the proceedings, cancelled the patta issued in favour of the petitioner's mother and restored the patta in the name of the dead person. In pursuant to the said order, the first respondent allowed the appeal filed by the fifth respondent by the impugned order in W.P(MD)No.



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

13095 of 2022 permitted the fifth respondent to deal with the property. Therefore, the order passed by the District Revenue Officer, Sivagagai, dated 04.06.2021 in W.P(MD)No.4303 of 2022 cannot be sustained and the same is liable to be quashed.

12. Accordingly, the order passed by the District Revenue Officer, dated 04.06.2021 in W.P(MD)No.4303 of 2022 is quashed. **W.P(MD)No.4303 of 2022 is allowed.** The patta issued in favour of the petitioner's mother has been restored. The petitioner and other legal heirs of the deceased Rajiya Begam are entitled to get patta in their names and accordingly, the revenue authorities are directed to mutate the revenue records in respect of the subject property and issue patta in their favour forthwith.

13. In view of the order passed by this Court in W.P(MD)No.4303 of 2022, the impugned order, dated 31.05.2022 passed by the first respondent in W.P(MD)No.13095 of 2022 cannot be sustained and the same is liable to be quashed. Accordingly, the impugned order dated 31.05.2022 passed by the first respondent in W.P(MD)No.13095 of 2022 is quashed. **W.P(MD)No.13095 of 2022 is allowed.**



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

14. In view of the order passed by this Court in W.P(MD)Nos.4303 of 2022 and 13095 of 2022, **W.P(MD)No.4403 of 2019 is allowed** and the petitioner in W.P(MD)No.4403 of 2019 is being the legal heir of the deceased Rajiya Begam is entitled for compensation for the portion of the land acquired by the respondents 1 to 4 and the respondents 1 to 4 are directed to disburse the compensation amount as per the award passed by the acquisition portion of the land comprised in Survey Nos.86/2 and 86/3 situated at Thenmapattu Village, Thirupathur Taluk, Sivagangai District with applicable interest, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

29.11.2024

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

1. The District Collector,
Sivagangai, Sivagangai District.
2. The District Revenue Officer,
(Land Acquiring Officer & National Highways),
District Collector Campus,
Pudukkottai,
Pudukkottai District.



W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

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- 9.The District Revenue Officer,
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Office of the Deputy Inspector General of Registration,
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Rajakambiram,
Oothakadai,
Madurai – 625 107.



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W.P(MD)Nos.4403 of 2019, 19919 of 2021, 4303 & 13095 of 2022

G.K.ILANTHIRAIYAN, J.

ps

Order made in
**W.P(MD)Nos.4403 of 2019,
4303 & 13095 of 2022**

29.11.2024