



W.P.(MD)No.12896 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.12896 of 2014

and

M.P.(MD)No.2 of 2014

K.Nachiappan

... Petitioner

versus

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Tahsildar,
Thirupathur,
Sivagangai District.
4. Solaichi

... Respondents

Writ Petition filed under Article 226 of Constitution of India,
seeking for the issuance of Writ of Certiorari, to call for the records of



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the 2nd respondent in his proceedings dated 26.06.2014 in Pa.Mu.P1/1634/2014 and quash the same.

For Petitioner : M/s.Muthu Kamatchi
For R1 to R3 : Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader
For R4 : Mr.R.Venkatesan

ORDER

This writ petition is filed as against the order of the second respondent dated 26.06.2014, directing the third respondent to correct the UDR entries by adding the name of the fourth respondent as a joint pattadhar, for the land in Survey No.417/34 situated in Siravayal Group, Thirupathur Taluk, Sivagangai District.

2. The patta for the property in Survey No.417/34 to an extent of 0.10.5 ares in Siravayal Group, Thirupathur Taluk, Sivagangai District, originally stood in the name of one Nachal, W/o. Kasi. The petitioner and the fourth respondent are son and daughter of Nachal. During UDR survey, patta was transferred in the name of the petitioner and his



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brother one Solaiappan. However, the fourth respondent's name has not been added in the patta and therefore, on the representation made by the fourth respondent, the second respondent/the District Revenue Officer, Sivagangai, has passed an order to correct the UDR entries by adding the name of the fourth respondent as a joint pattadhar. Aggrieved over that, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that the petitioner is the absolute owner of the property and natham patta was granted in the said land. Therefore, the fourth respondent has no right over the property. He further submits that the second respondent without giving any notice to the petitioner has passed the impugned order.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent submit that opportunity was provided by the second



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respondent/the District Revenue Officer, Sivagangai, however, the petitioner has failed to produce documents substantiating his claim of title over the property and therefore, the order of the District Revenue Officer, Sivagangai does not warrant any interference.

5. Considering the rival submissions made, this Court is not inclined to interfere with the order of the second respondent/the District Revenue Officer, Sivagangai.

6. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to approach a Civil Court to establish his individual right over the property by filing a Civil Suit. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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