



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-03-2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NO. 10724 of 2023 and

WMP(MD)No.9441 of 2023

M.Karuppusamy

Petitioner(s)

Vs

1. The District Revenue Officer cum
Additional District Magistrate (Administration)

Collectorate

Dindigul District

2. The Revenue Divisional Officer

Office of Revenue Divisional Office

Palani Post

Dindigul District

3. The Thasildar

Taluk Office

Palani Post and Taluk

Dindigul District

4. The Divisional Railway Manager

Works

Southern Railway

Madurai.

(R4 is Suo motu impleaded vide Court Order
dated 21.06.2023 in WP(MD). 10724/2023)

Respondent(s)

For Petitioner(s): Mr.M.Saravanakumar

For Respondent(s): M/s.S.Jeya Priya, Government Advocate for R1 to R3

Mr.G. THALAIMUTHARASU

Central Government Standing Counsel For R4

Prayer:



Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 1st respondent in Na.Ka.no. 1191/2021/Aa6 dated 18.05.2022 and quash the same and consequently direct the respondent to carry out the mistake entered in the Revenue Document in respect of the property comprised in Survey no. 32B/1 Thattankulam Village, Palani Taluk, Dindigul District and to issue patta in the petitioners name within a time stipulated by this Court.

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the 1st respondent in Na.Ka.no. 1191/2021/Aa6 dated 18.05.2022 and consequently, to direct the respondent to carry out the mistake entered in the Revenue Document in respect of the property comprised in Survey no. 32B/1 Thattankulam Village, Palani Taluk, Dindigul District and to issue patta in the petitioners name within a time stipulated by this Court.

2.At the time of admission, this Court suo motu impleaded the Divisional Railway Manager, Works, Southern Railway, Madurai, as 4th respondent.

3.The contention of the petitioner is that theSurvey no. 32B/1 belongs to one Subba Nayakkar. Thereafter, his son Subburaj Naidu inherited the property. The said Subburaj Naidu had sold the property to one Sadayappa Gounder through document No.1630 of 1951. Thereafter, the said Sadayappa Gounder sold the property to the petitioner's grandfather Kupuna Gounder through Document No.2597 of 1964. Thereafter, the said land is in the possession of the said Kupuna Gounder. The said



Kupuna Gounder was having two sons namely, Muthu Gounder and Mayilsami. The said Mayilsami had executed a release deed in favour of Muthu Gounder. Thereafter, Muthu Gounder was in possession and enjoyment of the property. After the demise of the Muthu Gounder, his son Karuppusamy, who is the petitioner herein had inherited and is in possession and enjoyment of the property. The petitioner's family was in possession and enjoyment for the past five decades. The petitioner approached the 3rd respondent for issuance of patta. At that time, the 3rd respondent orally informed the petitioner that the Survey No.32B/1 is noted in the revenue records as Railway Road and the 3rd respondent declined to grant patta.

4.The 4th respondent has filed a detailed counter affidavit stating that the said land does not belong to the Railways.

5.The learned Government Advocate appearing for the respondents 1 to 3 submitted that even in the impugned order it has been recorded that the land does not belong to the Railways. If it is not a railway land, then it will be recorded as government land. Therefore, patta cannot be granted.

6.However, the learned Counsel appearing for the petitioner submitted that during UDR scheme, while updating the register, it has been wrongly entered as railway pathway. Therefore, he seeks to rectify the same.

7.After hearing the rival submissions, this Court is of the considered opinion that the



Railway Department has stated that it does not belong to the Railways and the same has been concurred in the impugned order by the revenue officials. The relevant portion of the impugned order is extracted hereunder:

"மதுரை தென்னகரயில்வே பிரிவு மேலாளர் தனது மதுரை, தெற்கு இரயில்வே கோட்டப்பொறியாளரின் கடித எண்.U.W. 280/NOC/Land நாள்:20.1.2022 நாளிட்ட கடிதத்தில் தட்டான்குளத்திற்கு கட்டுப்பட்ட புல எண் 32B/1-நிலம் ரயில்வே துறைக்கு சொந்தமானது இல்லை எனவும், தமிழக அரசின் வருவாய்த்துறைக்கு கட்டுப்பட்டது எனவும் தெரிவித்துள்ளார்."

When the Railways had stated it is not Railway land then the respondents cannot consider the same as government land. When the petitioner is tracing the title through sale deeds from 1917 onwards, it is acceptable that it cannot be a government land, but it is an individual land from 1917 onwards. Individuals were in possession and enjoyment of the said land and the mistake ought to have been committed during UDR scheme only.

8. Therefore, the first respondent is directed to consider to rectify the UDR mistake. Therefore, the impugned order is quashed. The petitioner shall submit the relevant records before the 1st respondent and 1st respondent is directed to consider the petitioner's claim in the light of the above observation and rectify the mistake and issue patta in the name of the petitioner. The said exercise shall be completed within a



period of three months from the date of receipt of a copy of this order.

9. With the above observations, this Writ Petition is allowed. There shall be no order

as to costs. Consequently, connected miscellaneous petition is closed.

26-03-2026

Tmg

To

1. The District Revenue Officer cum
Additional District Magistrate (Administration)
Collectorate
Dindigul District
2. The Revenue Divisional Officer
Office of Revenue Divisional Office
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