



WP(MD)No.29638 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 21.07.2026

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

WP(MD)No.29638 of 2024

M.Muthukumar

... Petitioner

Vs.

1. The District Collector,
Theni District,
Theni.

2. The District Revenue Officer,
Theni District,
Theni.

3. The Revenue Divisional Officer,
Periyakulam,
Theni District.

4. The Tahsildar,
Theni Taluk,
Theni.

5. P.K.Subbiah

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order in Na.Ka.No. A1/1616/2024 dated 22.09.2024 passed by the 2nd respondent and quash the same and directing the 2nd respondent to rectify the UDR error in the petitioner's property in Survey No.924/2 of Veerapandi Village, Theni

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District and issue patta to the petitioner on the basis of the recommendations made by the 3rd respondent dated 25.08.2023 and recommendations made by the 4th respondent dated 27.09.2022.

For Petitioners : M/s.P.Rajalakshmi for
Mr.S.Murugapandi
For R1 to R4 : Mr.I. Pinaygash
Counsel for the State of Tamil Nadu
For R5 : Mr.C.Ramesh

ORDER

The present writ petition is filed for a Writ of Certiorarified Mandamus, to quash the impugned order dated 22.09.2024 and consequently direct the 2nd respondent to rectify the UDR error in respect of the petitioner's property and to issue patta to the petitioner based on the recommendations made by the 3rd respondent dated 25.08.2023 and the recommendations made by the 4th respondent dated 27.09.2022.

2. The land in question is situated in Survey No.924/2 at Veerapandi Village, Theni District. Originally, the said land was granted to the petitioner's grandfather namely, Ponnaiah S/o. Mookan, by the Government under the beneficial scheme of assignment of Panchami lands. The assignment order was passed in DKT No.12/83 dated 15.10.1973. The petitioner's grandfather was doing cultivation thereafter. During 1982, the



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petitioner's grandfather availed agricultural loan from Veerapandi Primary Agricultural Co-operative Bank. The condition for assignment is that the Panchami land should not be alienated. The further contention of the petitioner is that the petitioner's grandfather had never alienated the assigned land and did not encumber the title. The petitioner's grandfather is an illiterate. Taking advantage of the same, in the year 1983, one Sundathevan who was working as a Village Head of Veerapandi Village at that time and who also belonged to a dominant community, had changed the classification of Panchami land assigned to the petitioner's grandfather into Sarkar Tarisu.

3. The further contention of the petitioner is that based on the caste bias, the said Sundathevan deliberately and illegally transferred the classification of Panchami land into Sarkar Tarisu. According to the petitioner, the classification of land was Panchami and on that basis only, patta was also given to the petitioner's grandfather. Therefore, the same cannot be changed. The petitioner's grandfather, while was in possession and enjoyment of the property, in the UDR scheme, it has again been wrongly entered as Sarkar Tarisu. While that being so, the 5th respondent created some false documents and registered a sale deed in their favour



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without any title and patta. According to the petitioner, the 5th respondent is no way connected to the petitioner's grandfather's property. However, by taking advantage of the wrong classification, the 5th respondent tried to fish in the troubled water. Hence, the petitioner being the grandson of Late Ponnaiah, has submitted an application to restore the land in the name of the petitioner's grandfather who died intestate on 14.12.1992, so that the legal heirs can inherit the assigned property. The petitioner's application was considered by the respondents 3 and 4 who had conducted a full-fledged enquiry and have recommended to issue patta in favour of the petitioner.

4. During the enquiry, the petitioner submitted all the documents, but it was wrongly construed by the 2nd respondent as if the petitioner's grandfather had violated the assignment conditions. The 2nd respondent has passed the impugned order rejecting the claim to rectify the UDR error. The main reason stated is that the petitioner's grandfather had sold the property to one Kullan S/o. Solai Mathari on 11.02.1974 for Rs.1,500/- through an unregistered sale deed. An unregistered sale deed can never be considered as a legally valid document. The 2nd respondent falsely came to the conclusion that the unregistered sale deed confirmed in a Document



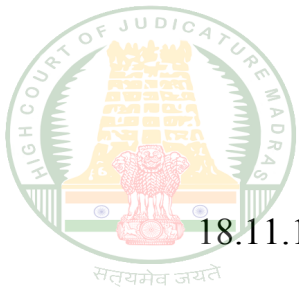
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No.247/1994 dated 31.01.1994. Therefore, the contention of the petitioner

is that the impugned order is arbitrary and without application of mind.

Hence, the petitioner seeks to re-classify the subject land as Panchami land. The further submission of the petitioner is that the Government has passed G.O.Ms.No.385, dated 17.08.2004, giving certain rights to the District Revenue Officer for rectifying the error. But the present impugned order has been passed by the District Revenue Officer without considering that the land which was already classified as Panchami land, cannot be later changed into Sarkar Tarisu. He has no jurisdiction to pass the said order. On the above grounds, the petitioner is challenging the impugned order and also seeks to issue patta in his name.

5. The respondents 1 to 4 have filed counter stating that originally the land in Survey No.924/2 was classified as 'Government assessed dry land' fit for assignment to eligible persons on special conditions stipulated in the Revenue Standing Order. As per 53 /SC/DKT of 50, dated 29.06.1941, the land in Survey No.924 measuring an extent of 5.71 acres, was originally assigned to Thiru.Periyakaruppakudumban as per the conditions laid down thereunder. Later on, the above assignee requested for relinquishment and an order was passed in Taluk RL 2/58, dated



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18.11.1949, thereby, the request for relinquishment was accepted and the

land was again re-classified as Sarkar Tarisu. Subsequently, the land was

sub-divided into 924/2 measuring an extent of 2.93 acres and as per DKT

No.12/83 dated 15.10.1973, it was assigned to the petitioner's grandfather

namely Ponnaiah S/o. Mookan. The assignment was based on regular

conditions imposed in the assignment order as per G.O.Ms.No.296,

Revenue dated 10.02.1954 which was issued following Revenue Standing

Order 15.12(3). The petitioner's grandfather was not allowed to alienate

the property. Further conditions were imposed to carry out agricultural

activities within a period of five years. However, there were violation of

condition. The petitioner's grandfather had not cultivated which will be

evident from the Adangal Register. Further, the petitioner's grandfather

sold the property and as on today, the 5th respondent is in possession of the

land. Based on the above facts, the petitioner cannot claim right over the

property. Moreover, in any assignment, the Government would reserve all

the rights after observing the usual formalities. The official respondents

have every right to cancel the assignment and retrieve the land to the

Government. In the meanwhile, a portion of the land to an extent of 1.039

acres was acquired for NH 183 Theni – Kumili National Highways Road.

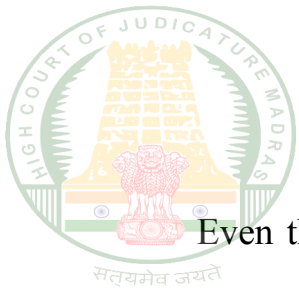
During such acquisition also, no person had claimed any right over the



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property. Therefore, no compensation was paid to any person and the said land was alienated to the National Highways Department. The above land lies abutting the National Highways. The petitioner suppressing those facts, is now seeking to change the classification of land as if it is the UDR error. Hence, the respondents 1 to 4 claim to dismiss the writ petition.

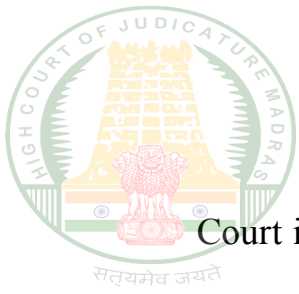
6. The primary contention of the petitioner is that the petitioner's grandfather was assigned Panchami land and the said classification cannot be changed. On perusing the assignment order issued to the petitioner's grandfather, it is seen that there is no word 'Panchami land'. Even the revenue records also does not show that the subject land is Panchami land. Admittedly, earlier one Periyakaruppakudumban was assigned DKT patta, but after his relinquishment, the classification of the land was again classified as Sarkar Tarisu. Therefore, the petitioner cannot claim that the subject land is Panchami land. Moreover, the petitioner's grandfather had violated the conditions imposed in the DKT patta since he had not used the land for cultivation. Even the Adangal issued for the Fasli years 1343 to 1394, against the petitioner's grandfather, the crop name has not been mentioned except for the Fasli year 1390 and 1391. Further, it is seen that the petitioner's grandfather has alienated the property through oral sale.



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Even though the petitioner has denied such alienation by his grandfather, as on date, the petitioner's father or the petitioner was never ever in possession of the property, whereas, it is in the possession of the 5th respondent which would indicate that there might have been an oral sale by the petitioner's grandfather. If that is so, that is the serious violation of the assignment conditions.

7. The next contention of the petitioner is that the official respondents have not cancelled the patta as per law. But the respondents submitted that they have every right to initiate action to cancel the assignment. Though in the Adangal Register produced by the petitioner, for the Fasli year 1390, against the name of the petitioner's father, the crop name has been mentioned as **கானாபயிற்று**, but it is pointed out by the 2nd respondent in the impugned order that based on the loan obtained from a Co-operative Bank, the said cultivation was carried out that too only for one Fasli year. However, that by itself will not determine the fact whether the petitioner's grandfather had carried on the agricultural activity or not. Therefore, this Court is of the considered opinion that the petitioner's grandfather has not cultivated the subject land for the past 5 years as indicated in the conditions of assignment patta. In such circumstances, this



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Court is not inclined to interfere with the impugned order. However, since the petitioner belongs to downtrodden community, he is directed to submit an application separately and the same shall be considered by the official respondents, if the petitioner comes within the parameters of the conditions for assignment. As far as the 5th respondent is concerned, his long-standing possession will not give him any right. The respondents 1 to 4 shall take appropriate action as per law.

8. With the above direction, the Writ Petition stands disposed of. No costs.

21.07.2026

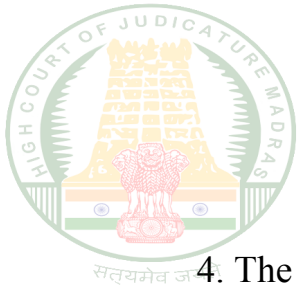
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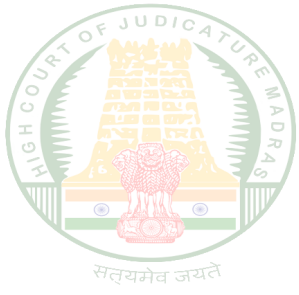
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S.SRIMATHY, J.

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