



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.10.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.19434 of 2015

N.Chandru

... Petitioner

Vs.

1. The District Collector,
Dindigul District.
2. The District Revenue Officer,
Dindigul District.
3. The Revenue Divisional Officer,
Palani,
Dindigul District.
4. The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer:

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 25.09.2015 and to issue patta in respect of the land in S.No.367/2 situated at Chindalavadampatti Village, Oddanchatram Taluk, Dindigul District to the petitioner's family members.

For petitioner : Mr.A.K.Manickam
For Respondents : Mr.S.Kumar
Addl. Govt. Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 25.09.2015 and to issue patta in respect of the land in S.No.367/2 situated at Chindalavadampatti Village, Oddanchatram Taluk, Dindigul District to the petitioner's family members.

<https://hdservicecourtpetn/hdservicecourtpetn/>

2. Mr.S.Kumar, learned Additional Government Pleader takes



notice for the respondents.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner's family owned 2 acres 98 cents of agricultural land in S.No.367/2 at Chindalavadampatti Village, Oddanchatram Taluk, Dindigul District. The above said property was purchased by petitioner's grandfather Palanichamy Gounder and right from the date of purchase, he was in peaceful possession and enjoyment of the said property. Thereafter, the petitioner's father and his legal heirs inherited the properties and they are in possession and enjoyment of the same till date without any hindrance. In the year 1982, one N.M.Samy and his wife Karuppathal purchased a land in S.No.367/1 to an extent of 11.7 Kulis (1 Kuli = 60 Cents) which situates adjacent to their land. But in the sale deed it was mentioned as 15 Kulis instead of 11.7 Kulis by wrongly including their land by mentioning wrong boundaries. During the UDR Survey in the year 1986 which was floated for the purpose of streamlining the Survey Register, the patta in respect of petitioners land in S.No.367/2 was entered wrongly in the names of the said N.M.Samy and his wife Karuppathal and they obtained a patta for 15 Kulis by using the same forged sale deed without the knowledge of the petitioner's family members. The petitioner came to know the issuances of patta only on 08.12.2013 when the said N.M.Samy objected the petitioner's father while he was ploughing the land. The above said N.M.Samy and his wife Karuppathal are attempting to grab the land belongs to the petitioner's family by using the patta which was obtained by illegal means. After the death of the petitioner's grandfather, the petitioner's father enjoyed the said property and he conveyed the same to the petitioner and his brother by way of a settlement. The petitioner and his brother settled the said property in favour of the petitioner's daughters and son of petitioner's brother. The petitioner has made a representation to the respondents on 25.09.2015 to rectify the defects crept during the UDR survey by cancelling the patta granted to the said N.M.Samy and for mutation of patta in favour of the petitioner's family members. As per the G.O.Ms.No.385, Revenue Department, dated 17.08.2004, the second respondent is the authority to rectify the defects crept in the UDR Survey. Since the same was not disposed of till date, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner, dated 25.09.2015 and pass appropriate orders on the same on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of six weeks from



the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner.

6. With the above direction, the Writ Petition is disposed of.
No Costs.

sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The District Revenue Officer,
Dindigul District.
3. The Revenue Divisional Officer,
Palani,
Dindigul District.
4. The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

+ 1 CC TO MR.A.K.MANICKAM, ADVOCATE IN SR NO. 63657
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 63172

AM

TE/SKS-RR/ 30/11/2015 : 3P/7C

W.P (MD) .No.19434 of 2015
28.10.2015