

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.11.2018

CORAM
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.29422 of 2012
and
M.P.No.2 of 2012

1.Kaliyan
2.Selvarani

..Petitioners

Versus

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Ulundurpet,
Villupuram District

3.The Deputy Tahsildar,
Ulundurpet

4.Veerapandian

...Respondents

PRAYER:Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Na.Ka.Aa2/RTR No.66/2012 dated 20.02.2012 and also consequential entries in the Chitta dated 17.05.2012 for patta No.140 removing the name of the petitioner and including the name of Parvathi wife of Poongan and quash the same and thereby direct the 2nd respondent to restore the patta in favour of the 1st petitioner in respect of S.No.425/3B1-0.81.0 hares (2 acres) at Pullur Village, Ulundurpet Taluk in patta No.140 forthwith.

For Petitioner	::	Mr.N.Suresh
For R1 to R3	::	Mrs.Sri Jayanthi
		Spl.Govt.Pleader
For R4	::	Mr.T.Sezhian

ORDER

The father and daughter, Kaliyan and Selvarani are the Writ Petitioners. They are aggrieved by the order of the second respondent Tahsildar, Ulundurpet, Villupuram District who had interfered in the order of granting Patta in Patta No.140 with

respect Survey No.425/3B1 in Pullur Village, Ulundurpet Taluk, Villupuram District, to the first petitioner Kaliyan, S/o.Mottaiyan. The name of Kaliyan was rounded off and the name Parvathi, D/o.Poongan was included.

2. Aggrieved by this change of name, the petitioner had given a representation to the second respondent. The learned counsel for the petitioner drew the attention of this Court to the information provided, dated 20.02.2012, whereby the Tahsildar, Ulundurpet had stated that this change, from the name of the first petitioner Kaliyan, S/o.Mottaiyan to the name of Parvathi, D/o.Poongan had been made without enquiry being made. But, however in the same letter, it had been stated that thereafter, the Tahsildar had called upon the rival parties and also Village Administrative Officer on 13.02.2012 and recorded their statements and granted a fresh patta and had directed the aggrieved party to approach the Revenue Divisional Officer for further remedies, if necessary.

3. The learned counsel for the petitioner stated that the original endorsement cancelling the name of Kaliyan, S/o.Mottaiyan and including the name of Parvathi had been done without any enquiry. A perusal of the records show that the authorities were also not aware whether Parvathi is the wife of Poongan or the daughter of Poongan.

4. The fourth respondent-Veerapandiyan, S/o Nathan had participated in the proceedings dated 13.02.2012 and had objected to grant patta in the name of the first petitioner Kaliyan, S/o.Mottaiyan.

5. It appears that there are rival claims over the said Survey No.425/3BI of the land measuring 0.081 acres in the patta No.140 which had been granted.

6. Heard the learned Special Government Pleader appearing for the respondents 1 to 3.

7. In view of the rival contentions, it would be only just and proper that the Tahsildar, Ulundurpet conducts a fresh enquiry and thereafter, grants patta. During the course of enquiry, notice should be issued to all the necessary parties, particularly to the Writ Petitioners herein, the fourth respondent and also to Parvathy, D/o.Poongan. It is represented by both the learned counsels that the identity of the said Parvathy has to be verified by conducting a proper enquiry. Opportunity of hearing must be granted to all the parties to adduce evidence if deemed necessary either in writing or orally. Thereafter an order can be passed by the Tahsildar. Till such time the order is passed, status quo with respect to the revenue documents may be retained either in the name of the petitioner

or in the name of the fourth respondent. Neither party can take any undue advantage of the earlier orders passed. The Tahsildar is to examine all issues and then make necessary corrections in the revenue documents. The Tahsildar shall conduct the enquiry and hearing on or before 15.02.2019.

8. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nvi

To

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Tahsildar,
Ulundurpet,
Villupuram District
- 3.The Deputy Tahsildar,
Ulundurpet,
Villupuram District.

+1cc to Mr.R.Meenal, Advocate, S.R.No.76918
+1cc to Mr.N.Suresh, Advocate, S.R.No.77113
+1cc to the Government Pleader, S.R.No.77047

सत्यमेव जयते

W.P.No.29422 of 2012 and
M.P.No.2 of 2012

GP (CO)

rrs 30/11/2018

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