



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD)No.14748 of 2020

N.MuthuRamalingam

... Petitioner

-Vs-

1.The District Collector,
Kumarasamy Nagar,
Kooraikundu, Virudhunagar District.

2.The District Revenue Officer,
No.58/1, Kacheri Road,
Virudhunagar, Virudhunagar District.

3.The Revenue Divisional Officer,
T.S.Ramalinga Nagar,
Palayampatti, Aruppukottai,
Virudhunagar District.

4.The Tahsildar,
Kariyapatti Taluk Office,
Kariyapatti Taluk, Virudhunagar District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the second respondent to update the name of the petitioner N.Muthuramalingam S/o. Late Nagu in UDR Record in accordance with the order %K.b.gp.b.202/83 dated 11.05.1974 passed by the fourth respondent in the light of Sale Certificate and Delivery Order dated 18.07.1970 and 16.09.1970 respectively passed by the learned Subordinate Judge, Sivagangai and consequently, cancel the patta No.491 stands in the name of Namasivayam and his 4 brothers sons of Late.Muthulingam in lieu of the petitioner's representation dated 25.09.2020.

For Petitioner : Mr.K.Jagadeesan
For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the second respondent to update the name of the petitioner N.Muthuramalingam S/o. Late Nagu in UDR Record in accordance with the order %K.b.gp.b.202/83, dated 11.05.1974 passed by the fourth respondent, in the light of Sale Certificate and Delivery Order dated 18.07.1970 and 16.09.1970 respectively passed



by the learned Subordinate Judge, Sivagangai and consequently, cancel the patta No.491 stands in the name of Namasivayam and his 4 brothers sons of Late.Muthulingam in lieu of the petitioner's representation dated 25.09.2020.

2. According to the petitioner, his father, namely, Nagu had filed a suit in O.S.No.19 of 1966 against one Muthulingam and his wife and his 5 sons for recovery of money and other reliefs before the Subordinate Court, Sivagangai. During the pendency of the same, his father died leaving behind the petitioner, his mother Thandammal and two daughters as his legal heirs and they have been impleaded as parties to the said suit and the same was decreed in their favour. Failure on the part of the judgment debtor, ie., Muthulingam, the property in S.No.31 to an extent of 6.62 acres and two other properties were brought for Court auction on 16.06.1970, wherein the petitioner and his family members are the successful bidder and the sale certificate was issued in favour of the petitioner and his family members on 18.06.1970 by the learned Subordinate Judge, Sivagangai. Delivery was ordered and possession has been handed over to the petitioner's mother and mutation has been taken place and Patta No.275 was issued in the petitioner's name, vide its order dated 11.05.1974. However, during the UDR scheme, the property in S.No.31 to an extent of 6.62 acres remained in the name of Muthulingam and the same was not updated. Taking advantage of the same, the legal heirs of the said Muthulingam caused disturbance and get patta in their favour in Patta No.491. Therefore, the petitioner has given a representation dated 25.09.2020 to the respondents to cancel the Patta No.491 stands in the name of the legal heirs of the said Muthulingam and update the UDR record and restore the Patta No.275 stands in the name of the petitioner. Since no effective steps have been taken so far, the petitioner has approached this Court seeking aforesaid prayer.

3. This Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 25.09.2020, on merits and in accordance with law, after affording opportunity to the petitioner, including his family members if any, and others, who are interested in the property, and take a decision in this regard, within a period of four months from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition stands disposed of. No costs.

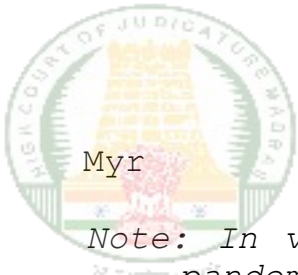
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
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Kooraikundu, Virudhunagar District.

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Kariyapatti Taluk, Virudhunagar District.

+1 CC to Mr.K.JAGADEESAN, Advocate (SR-21363[F] dated 06/11/2020)

+1 CC to SPL GP (SR-21466[F] dated 06/11/2020)

Order made in
W.P. (MD) No.14748 of 2020
05.11.2020

VB (11.11.2020) 3P 7C