

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.23294 of 2011

P.S.Lakshmi,
W/o.Dhavaselvam

... petitioner

Vs.

1.The District Revenue Officer,
Villupuram District, Villupuram.

2.The Revenue Divisional Officer,
Thirukoilur, Villupuram District.

3.The Tahsildar,
Tirukoilur Taluk,
Villupuram District.

4.Ellammal
W/o.Lakshminarayanan

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent relating to the order issued in Na.Ka.No.A3/12464/2010 dated 16.08.2011 and quash the same.

For Petitioner : G.S.Sankaran

For Respondents : Mr.A.Madumathi

Special Government Pleader
for R1 to R3

Mrs.Jayanthi Venkatesh for R4

ORDER

The writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent relating to the order issued in Na.Ka.No.A3/12464/2010 dated 16.08.2011 and quash the same.

2.The brief facts necessary for disposal of the writ petition are as follows:-

The petitioner claims tittle in respect of the lands in S.No.552/1, Chittalingamadam Village, S.No.1003, 109/1 Kunnathur

Village and S.No.107/3, T.Kodiyur Village as legal heir of her husband who according to the petitioner inherited the same from his father. The petitioner and the contesting fourth respondent are close relatives. The petitioner admits that there was a partition deed executed on 05.10.1963 in Doc.No.2398 of 1963 among the son and daughter of one Thiru Arunachalam. The petitioner states that her father-in-law Thiru Srinivasan is one of the son of Thiru. Arunachalam and the fourth respondent is the daughter of Thiru.Arunachalam. However, it is contented by this petitioner that the said partition deed was not acted upon. It is the case of petitioner that the properties were divided subsequently by way of in oral partition whereby some of the properties allotted to her father-in-law was given to fourth respondent and the properties which are the subject matter of this litigation was taken by petitioner's father-in-law. It is the further case of petitioner that patta for the properties was given to petitioner's husband. It is noted that some of the properties were settled in form of the petitioner by her husband. Contrary to the terms of registered partition deed of the year 1963, the petitioner claims title on the basis of a subsequent oral partition.

3.Stating that during UDR, patta stood in the name of fourth respondent has been changed in favour of petitioner's father-in-law, the fourth respondent has filed a petition before the first respondent for correction of UDR entries. The said petition was entertained and the first respondent passed the impugned order holding that the properties were allotted to the fourth respondent in the registered partition in 1963 and that patta has been wrongly given in the name of petitioner's-father-in-law and thereafter in the name of petitioner's husband excluding the name of fourth respondent. The correction of entries during UDR by the first respondent was on the basis of registered partition deed. The petitioner's claim based on a subsequent oral partition cannot be entertained as the oral partition is not admitted. The first respondent has passed the impugned order after hearing all the parties concerned. Though the petitioner relied upon the judgment of this Court by a Division Bench of this Court in the case of *Vishwas Foot wear Company Limited Vs. District Collector, Kancheepuram and others reported in 2011 (5) CTC 94*, the said judgement has no application to the facts of this. The first respondent is competent to correct any error during UDR. The petitioner has produced before this Court only the A register prepared after UDR. No revenue record before UDR is produced. The petitioner's version contrary to the registered partition deed can be considered only by the Civil Court. The impugned order of first respondent cannot be assailed on the basis of oral arrangement contrary to the registered instruments.

4.Hence, this writ petition is devoid of merits and the same is dismissed with liberty to the petitioner to approach the Civil Court and to establish his right and title. No Costs.

Sd/-

Assistant Registrar(C.S.VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Revenue Officer,
Villupuram District, Villupuram.

2.The Revenue Divisional Officer,
Thirukoilur, Villupuram District.

3.The Tahsildar,
Tirukoilur Taluk,
Villupuram District.

+1cc to Mr.G.Sankaran, Advocate SR.NO..5522

+1cc to Mr.C.Prasanna Venkatesh, Advocate SR.NO..5816

+1cc to The Government Pleader SR.NO..5901

AKM/01.04.21/3P- 7C/

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