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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21194 of 2021

V. Dharmalingam

...Petitioner

Versus

1. The State of Tamil Nadu,
Represented by the District Collector,
Cuddalore District,
Cuddalore - 607 001.
2. The Sub Collector,
Vridhachalam Revenue Division,
Vridhachalam - 606 001.
3. The Tahsildar,
Tittagudi Taluk,
Tittagudi - 606 106.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent/Sub Collector, Vridhachalam and the 3rd respondent/Tahsildar, Thittagudi Taluk, Cuddalore District to cancel the UDR Patta granted to R.Rajamani, S/o.Rajamanickam of Kozhiyur Village in S.F.No.193/15 measuring to an extent of 74 Sq.Meter of Kozhiyur Village and issue patta to the petitioner V.Dharmalingam, S/o. Velan of Kozhiyur Village, Thittagudi Taluk as requested by the petitioner in the representations dated 23.07.2021 and 18.08.2021 within a time frame fixed by this Court.

For Petitioner : Mr.V.Vedhachalam

For Respondents : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to cancel the UDR Patta granted to Mr.R.Rajamani in S.F.No.193/15 measuring to an extent of 74 sq.mtr of Kozhiyur Village and to issue Patta to the petitioner, based on the petitioner's representations dated 23.07.2021 and 18.08.2021 within a time frame fixed by this Court.

2. According to the petitioner, the petitioner has been cultivating a small plot of 74 Sq.Meter of Government waste land in S.F.No.193/15 for the past 60 years, he is in possession and enjoyment of the same without any interference. In the meanwhile, one Mr.R.Rajamani of Kozhiyur obtained patta in S.F.No.193/14 and 193/15 adjacent plots without the knowledge of the petitioner. Be that as it may, the Government of Tamil Nadu issued various G.O.(Ms).No.385 dated 19.08.2004 and G.O.(Ms).No.210 dated 08.07.2011 and G.O.(Ms).No.117 Revenue Department dated 09.03.1997 to cancel the wrong entries done during the issuance of UDR Patta. Therefore, he lodged a representation dated 23.07.2021 to the Jamabandi Officer for cancellation of patta issued wrongly in the name of Rajamai. He also gave a representation dated 18.08.2021 to the Tahsildar, Tittagudi in person and the same was forwarded to the Revenue Inspector, Thittagudi on the same day, but, till date no action has been taken by the respondents. Hence this petition.

3. The learned Government Pleader appearing for the respondent submitted that the land has been surveyed and steps have been taken to issue patta in favour of the petitioner and only for the issuance of patta is pending.

4. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents 2 and 3 to consider the petitioner's representations dated 23.07.2021 & 18.08.2021 and dispose of the same within a stipulated time that may be framed by this Court.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 2 and 3 to consider the petitioner's representations dated 23.07.2021 and 18.08.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a



period of sixteen weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba

To

1. The District Collector,
State of Tamil Nadu,
Cuddalore District,
Cuddalore - 607 001.
2. The Sub Collector,
Vridhachalam Revenue Division,
Vridhachalam - 606 001.
3. The Tahsildar,
Tittagudi Taluk,
Thittagudi - 606 106.

+2cc to Mr.V.Vedhachalam, Advocate, S.R.No.53098

W.P.No.21194 of 2021

PCH(CO)
CT 06/12/2021