



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 30.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.8887 of 2021
(Through Video Conferencing)

T.M.R.Kannan

... Petitioner

Vs.

1.The District Collector
Sivagangai District
Sivagangai.

2.The District Revenue Officer,
Sivagangai Taluk
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai
Sivagangai District.

4.The Tahsildar,
Kalayarkoil Taluk
Sivagangai District.

5.Kathiresan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to consider the representation dated 30.11.2020 of cancel the UDR patta on the name of 5th respondent and further direct the 2nd respondent to issue the patta to the petitioner with regard to lands in Survey No.197/3 to an extent of 4 Acre 2 cents situated at Oyavanthan Village, Kalayarkoil Taluk, Sivagangai District.

For Petitioner

:Mr.B.Micheal Sebastin

For Respondents

:Mr.M.Rajarajan

Additional Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the second respondent to consider the representation made by the petitioner on 30.11.2020, wherein the petitioner has sought for cancellation of the UDR Patta, which is standing in the name of the 5th respondent and for a further direction to issue the patta in the name of the petitioner with



respect to the subject property.

2.The case of the petitioner is that the subject property was originally owned by his grandfather and on his demise, the father of the petitioner inherited the same. The father of the petitioner expired and the petitioner is said to have inherited the property. When the petitioner wanted to get the patta transferred in his name, it was found that the name of the 5th respondent has been shown in the patta with respect to the subject property. According to the petitioner, the 5th respondent has no right in the subject property and the mistake had happened during the UDR scheme.

3.The petitioner therefore, made a representation to the first and second respondents seeking to conduct an enquiry and to remove the name of the 5th respondent from the UDR patta. Since the same was not acted upon, the present writ petition has been filed seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 30.11.2020 and deal with the same on its own merits and in accordance with law, after affording an opportunity to the petitioner and the 5th respondent and pass final orders within eight weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-

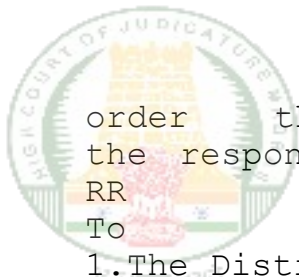
Assistant Registrar (W)

// True Copy //

/ /2021

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.

RR

To

1.The District Collector
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Sivagangai.

2.The District Revenue Officer,
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Sivagangai District.

3.The Revenue Divisional Officer,
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4.The Tahsildar,
Kalayarkoil Taluk
Sivagangai District.

+1 CC to M/s.GP (SR-18427[F] dated 03/05/2021)

+1 CC to M/s.MICHEL SEBASTIN, Advocate (SR-18335[F] dated 03/05/2021)

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GS (19.05.2021) 3P 7C