



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.10598 of 2021

and W.M.P. (MD)Nos.8256 & 8257 of 2021

M.Ayyammal

... Petitioner

Vs.

1.The District Revenue Officer,
Collectorate,
Sivagangai, Sivagangai District.

2.A.Pandiyammal

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, call for the records pertaining to the impugned proceedings of the 1st respondent in Pa.Mu.PI 4/13962/2016 dated 31.01.2019 and quash the same as illegal.

For Petitioner : Mr.C.Ezhilarasu

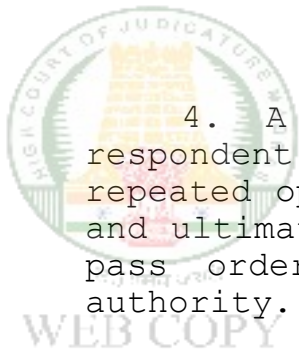
For Respondents : Mr.R.Sureshkumar
Government Advocate for R1.

ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent dated 31.01.2019.

2. The case of the petitioner is that the subject property originally belonged to her husband and on his demise, the petitioner became the absolute owner of the property. The second respondent had made a representation before the first respondent stating that there was a mistake committed under the UDR scheme and due to that mistake, a patta was granted in favour of the husband of the petitioner for a larger extent and therefore, the second respondent sought for the rectification of the extent of the property by properly subdividing the property. The first respondent, on considering the entire records and also the facts and circumstances of the case, allowed the representation made by the second respondent through proceedings dated 31.01.2019.

3. Heard Mr.C.Ezhilarasu, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate appearing for the first respondent.



4. A careful reading of the order passed by the first respondent shows that the counsel for the petitioner was given repeated opportunities and in spite of the same, it was not utilized and ultimately, the first respondent had no other option, except to pass orders based on the records that were placed before the authority.

5. The order of the first respondent is now challenged after 2 ½ years. Even otherwise, there is absolutely no averment in the affidavit as to how the husband of the petitioner became the owner of the property and what was the title document, based on which, the petitioner is claiming right over the property.

6. In the considered view of this Court, if the petitioner is aggrieved by the order passed by the first respondent, it is left open to the petitioner to work out her remedy before a competent civil Court. This Court does not find any illegality or infirmity in the order passed by the first respondent and there is no ground of interfere with the same.

7. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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

The District Revenue Officer,
Collectorate, Sivagangai, Sivagangai District.

+1 CC to M/s.SPL GP (SR-20437[F] dated 28/06/2021)

+1 CC to M/s.C.EZHILARASU, Advocate (SR-20395[F] dated 28/06/2021)

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NSM(CO)

TR(06.07.2021) 2P 4C

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