



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11274 of 2021

WEB COPY

V.Perumal

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Sub Collector cum District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Palani,
Dindigul District.

4.The Tahsildar,
Vedasandur Taluk,
Vedasandur,
Dindigul District.

5.The Tahsildar,
Gujiliamparai Taluk,
Gujiliamparai,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 5 to take immediate action for change of patta in the name of the petitioner in respect of the property comprised in Survey No.428/4 measuring about 1.86.5 hectares and in Survey No.428/5 measuring about 1.90.0 hectares situated at Vellode village previously Vedasandur Taluk presently Gujiliyamparai Taluk, Dindigul District, in the light of the decree passed by the Civil Court in O.S.No.298/2002, dated 31.12.2002, on the file of the Additional Sub Court, Dindigul, based on the petitioner's representation, dated 10.02.2021, within a time frame as fixed by this Court.

For Petitioner

: Mr.B.Prahalad Ravi

For Respondents

: Mr.M.Lingadurai
Government Advocate



ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the respondents to act upon the representation made by the petitioner, on 10.02.2021, wherein, the petitioner has sought for change of name in the patta in favour of him with respect to the subject property.

2.The case of the petitioner is that the subject property originally belonged to his father and the patta also stood in his name. The further case of the petitioner is that during the UDR scheme, the patta was erroneously recorded in the name of a temple. The petitioner, therefore, made a representation to the fourth respondent and the fourth respondent specifically informed the petitioner that a suit has to be filed seeking for a declaration.

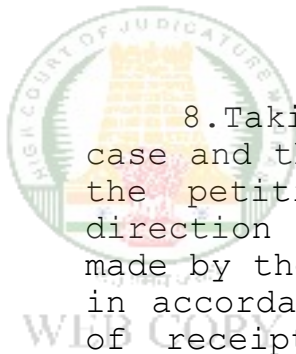
3.Accordingly, a suit was filed in O.S.No.298 of 2002 on the file of the Sub Court, Dindigul, seeking for the relief of declaration and permanent injunction against the said temple represented by a Poosari. The said suit was decreed by a judgment and decree, dated 31.12.2002. According to the petitioner, the decree has become final and no appeal was filed.

4.The petitioner thereafter, made a representation to the fourth respondent, seeking for the change of name in the patta. Since the same was not acted upon a writ petition was filed before this Court in W.P.(MD).No.16076 of 2018 and this Court also gave directions to the fourth respondent to consider the representation of the petitioner.

5.Thereafter, the petitioner was informed by the fourth respondent that he does not have the jurisdiction to change the name in the patta, since it had happened during the UDR scheme and therefore, directed the petitioner to approach the second respondent and make a representation.

6.Accordingly, the petitioner made a representation to the second and third respondents, on 10.02.2021, seeking for change of name in the patta in accordance with the decree passed by the competent Civil Court. Since the same was not acted upon, the present writ petition has been filed before this Court, seeking for appropriate directions.

7.Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Counsel, appearing for the respondents.



8.Taking into consideration the facts and circumstances of the case and the fact that a decree has already been passed in favour of the petitioner by a competent Civil Court, there shall be a direction to the second respondent to act upon the representation made by the petitioner, on 10.02.2021 and pass final orders strictly in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. If there are any other interested parties, notice shall also be issued to them before passing the final orders on the representation.

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

10.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Dindigul District,
Dindigul.
- 2.The Sub Collector cum District Revenue Officer,
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Dindigul.
- 3.The Revenue Divisional Officer,
Palani,
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4.The Tahsildar,
Vedasandur Taluk,
Vedasandur,
Dindigul District.

5.The Tahsildar,
Gujiliamparai Taluk,
Gujiliamparai,
Dindigul District.

+1 CC to M/s.SPL GP (SR-21957[F] dated 09/07/2021)

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-22166[F] dated
12/07/2021)

W.P. (MD) .No.11274 of 2021

Dated:08.07.2021

CM (CO)

RK (15.07.2021) 4P 8C