



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12148 of 2021

and W.M.P. (MD) .No.9565 of 2021

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Rakkammal

... Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Madurai District,
Madurai - 625 020.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

4.Palanisamy

5.P.K.M.Prabakaran

6.Ganesan

7.Jawagarlal

8.Chellapandi

9.Geetha Chellapandi

10.Irene Jenilet Lalitha Samuvel

11.Jaswa Vinoth

12.Pandiyammal

13.Janagi

14.Nirmala

15.Jeyaprakash

16.Mohan

17.T.Anuradha

18.Jeyamani

19.Pushpam

20.Palanisamy

21.Ayyanar

22.Indiyarajan

23.Malikki

24.Govindarajan

25.Muthurakku

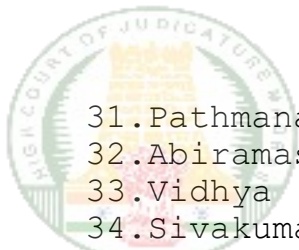
26.Logana

27.Marimuthu

28.Muthurakku

29.Muthumari

30.Adaikalam



31.Pathmanathan
32.Abiramasundhari
33.Vidhya
34.Sivakumar
35.Muralidharan
36.Arun Kumar
37.T.V.Parvathavardhini
38.L.S.Preethi
39.T.V.Lakshmi Sree
40.T.V.Janani Prakash

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1st respondent vide proceedings in Ni.Mu.No.3704/2016/G5, dated 25.06.2021 and quash the same as illegal and consequently, direct the respondent Nos.1 to 3 to confirm the patta bearing No.348 and 411 given in favour of the petitioner and her sister late Lakshmi within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.R.Karunanidhi
For Respondents	: Mr.M.Lingadurai for R1 to R3 Government Advocate

ORDER

On consent given by either side, the main writ petition itself has been taken up for final hearing.

2.The present writ petition has been filed challenging the impugned order passed by the first respondent through proceedings, dated 25.06.2021 and for a consequential direction to issue patta in favour of the petitioner and her sister. It is seen from records that the petitioner had earlier approached this Court and filed a writ petition in W.P.(MD).No.12917 of 2020 and this writ petition was disposed of by an order, dated 10.12.2020. The relevant portions in the order are extracted hereunder:

3.The learned Counsel appearing for the petitioner would submit that the punja land comprised in Old Survey Nos.261, 263 and 264 (New Survey No.120, 111, and 106) situated at Sakkimangalam Village, Madurai East Taluk, Madurai District, originally belonged to the petitioner's father and he has been cultivating various crops in the said land and paying all taxes from 1920 onwards. After the demise of the petitioner's father, his legal heirs including the petitioner has been in possession and enjoyment of the said land by doing cultivation. While so, during the year 1983 UDR Survey, certain changes took place in the UDR Survey



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Register and the new survey number for the petitioner's land was given as S.Nos.120, 111 and 106 respectively and patta was also issued. As there was some error in the UDR survey register, the petitioner made a representation to the second and third respondent. Thereafter, the Zonal Deputy Tahsildar, Madurai conducted an enquiry and submitted a report to the first and second respondent vide proceedings dated 20.09.2013 and based on the said report, the second respondent vide his proceedings dated 02.12.2013 directed the third respondent to rectify the wrong entries made in respect of the said survey numbers. Further, the second respondent also sent a communication to the first respondent vide proceedings dated 13.10.2015 by enclosing all relevant records and records pertaining to UDR Survey for taking further action and final decision. Thereafter, as no action has been taken by the respondents, the petitioner made another representation on 21.01.2016 and based on the same, the first respondent directed all the interested parties and the Village Administrative Officer including the petitioner to appear before him for an enquiry on 11.08.2017 along with all records. Even though the petitioner appeared and produced all necessary documents before the first respondent on 11.08.2017, the first respondent has not taken any decision and passed any order so far. Therefore, the petitioner has come forward with the present Writ Petition.

4.The learned Special Government Pleader appearing for the respondents would submit that already enquiry has been conducted by the first respondent with regard to the wrong entry made in the revenue records and that a decision will be taken shortly and communicated to the petitioner.

5.Considering the facts and circumstances of the case and that enquiry has already been conducted as early as on 11.08.2017, the first respondent is directed to take a decision on the said issue within a period of 90 days from the date of receipt of a copy of this order. If a decision has already been taken, the same shall be communicated to the petitioner within a period of 15 days from the date of receipt of a copy of this order in order to enable him to question the



same, if he is aggrieved by the same."

3.A careful reading of the order passed by the first respondent shows that there is total non application of mind and the first respondent has not taken into consideration the earlier proceedings and the first respondent has not dealt with the case on merits. The first respondent has merely rejected the appeal on the ground of limitation. When the earlier order was passed by this Court, this Court expected the first respondent to deal with the case on merits and pass a reasoned order. However, the first respondent has chosen to take a short cut and rejected the appeal on the ground of limitation. The order passed by the first respondent does not reflect the spirit behind the earlier order passed by this Court in the earlier writ petition.

4.In view of the above, this Court has no other alternative except to set aside the order passed by the first respondent in proceedings Ni.Mu.No.3704/2016/G5, dated 25.06.2021 and accordingly, the same is set aside. The matter is remanded back to the file of the first respondent and the first respondent is directed to issue notice to the petitioner and all the other private respondents and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of with the above directions. No costs. Consequently, connecte

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Revenue Officer,
District Revenue Office,
Madurai District,
Madurai - 625 020.



2.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

+1 CC to M/s.GP (SR-23497[F] dated 22/07/2021)

W.P. (MD) .No.12148 of 2021
19.07.2021

CM(CO)
KB(29.07.2021) 5P 5C