



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.12990 of 2021

Haji K.Abbass,
President,
Jumma Pallivasal,
Ayyur,
Vadipatti Taluk,
Madurai District.

...Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai.

3.The Tahsildar,
Vadipatti Taluk,
Madurai District.

4.Manjula

5.Nagarathinam

6.Janaki Ammal

7.Alagu

8.Rani

9.Vijayakumar

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation/appeal, dated 12.03.2018, for carrying out the flaw occurred while implementing the UDR scheme by entering the name of the Respondent Nos 4 to 9 in respect of the lands in S.Nos. 91/4, 5, 6 and 7 and S.Nos. 26/7, 7A, 7B, 7C and 7D, admeasuring an extend of 6 acres and 37 cents, Ayyoor Village,



Vadipatti Taluk, Madurai District, within the period that may be stipulated by this Court.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.M.Lingadurai
Government Advocate

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ORDER

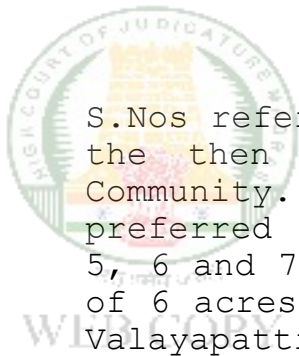
This writ petition has been filed for the issuance of a Writ of Mandamus, directing the 2nd respondent to consider the representation/appeal, dated 12.03.2018, for carrying out the flaw occurred, while implementing the UDR scheme by entering the name of the Respondent Nos.4 to 9, in respect of the lands in S.Nos. 91/4, 5, 6 and 7 and S.Nos. 26/7, 7A, 7B, 7C and 7D, admeasuring an extend of 6 acres and 37 cents, Ayyoor Village, Vadipatti Taluk, Madurai District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The case of the petitioner is that the petitioner was elected as President of the Jumma Pallivasal, Ayyur, Vadipatti Taluk, Madurai District, by the members of the Pallivasal Jamath. Since the considerable Muslim Community is living in the Ayyur Village, the Pallivasal was constructed for conducting prayer. Further the members of the Muslim Community used to conduct marriage and other functions relating to the community in the Pallivasal. The communal harmony is maintained in the said village notwithstanding the religion and the practice.

4.The further case of the petitioner is that that approximately two hundred years back then Zamindar, Valayapatti gifted measuring 6 acres and 83 cents to the Pallivasal. The Revenue records also previously reflected in S.No. 91/4, 5, 6 and 7 admeasuring an extent of 4 acres and 54 cents in favour of Pallivasal, like that S.No. 26/7, 7A, 7B, 7C and 7D admeasuring an extent of 1 acre and 83 cents also in the name of the Pallivasal. The above said lands were leased out to the members of the Muslim Community to generate revenue to the Pallivasal. Due to failure of monsoon, the cultivating activities were abandoned since 1962. However, the possession of the land was with the Pallivasal Jamath.

5.According to the petitioner, while implementing the UDR scheme by the State Government, the Revenue authority committed mistake by making wrong entry of the Respondent Nos. 4 to 9 in the Revenue records. The private respondents grabbed this opportunity and maintained their name in the revenue records. After coming to know the flaw committed by the Revenue Authority, it was decided by the Pallivasal to represent before the official respondent for rectifying the error committed while implementing the UDR scheme by entering the name of the Respondent Nos. 4 to 9 in respect of the



S.Nos referred above belonging to the Pallivasal which was gifted by the then Zamindar, Valayapatti in the interest of the Muslim Community. Accordingly a representation, dated 13.02.2018, was preferred to the District Collector, stating that the S.Nos. 91/4, 5, 6 and 7 and S.Nos. 26/7, 7A, 7B, 7C and 7D admeasuring an extent of 6 acres and 37 cents, Ayyoor Village was gifted by the Zamindar, Valayapatti in favour of the Pallivasal.

6.The further case of the petitioner is that while implementing the UDR scheme the error occurred in the revenue records by entering the name of the Respondent Nos. 4 to 9 in respect of the lands belonging to the Pallivasal. Since the 2nd Respondent is the competent authority for carrying out the correction in the revenue records. The petitioner gave a representation to the 1st respondent and the 1st Respondent forwarded our representation to the 2nd respondent for taking necessary steps. In turn the 2nd respondent issued direction to the 3rd respondent to acquire the relevant documents which is possessed by the petitioner through the RDO for deciding the request made by the Pallivasal. The petitioner produced the relevant documents as directed by the official respondent in the month of May, 2018. Thereafter, there was no progress on the appeal preferred for rectifying the error occurred in the revenue records under the UDR scheme despite continuous requests. Hence, left with no other option, the present writ petition has been filed before this Court.

7.Considering the facts and circumstances of the case and the limited relief sought for in this writ petition and submissions made on either side, without going in to the merits of the case, this Court directs the second respondent to dispose of the appeal, dated 12.03.2018, filed by the petitioner on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and the respondents 3 to 9 herein.

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

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM/MPK



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.

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To

- 1.The District Collector,
Madurai District.
- 2.The District Revenue Officer,
Madurai.
- 3.The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1 CC to M/s.GP (SR-24932[F] dated 02/08/2021)

W.P. (MD) .No.12990 of 2021

Dated:

29.07.2021

MGJ(12.08.2021) 4P 5C