



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.(MD)No.13359 of 2021

and

W.M.P(MD).No.10330 of 2021

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M.Sankaralingam

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The District Revenue Officer,
Tenkasi District, Tenkasi.

3.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

4.The Tahsildhar,
Sankarankovil Taluk,
Tenkasi District.

5. Mr.Prabhu Ranjith

... Respondents

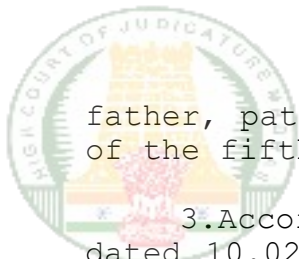
Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to rectify the mistake crept in while implementing the UDR scheme in respect of the property in Survey No.408/5 (Subsequently sub-divided as S.No.408/5A, 408/5B, 408/5C and 408/5D) Kurukkalpatti Village, Sankarankovil Taluk, Tenkasi District in the light of the order passed by the third respondent vide her proceedings in Na.Ka.A3/4837/2015 dated 10.02.2017 and on the basis of the petitioner's representation dated 08.06.2021.

For Petitioner	: Mr.R.Anand
For Respondents	: Mr.P.Subbaraj, Counsel for State for R1 to R4

O R D E R

The petitioner seeks rectification of the UDR 'A' Register by the District Revenue Officer based on the petitioner's representation dated 08.06.2021.

2.The petitioner states that his father was the owner of the property bearing Survey No.408/5, which was subsequently subdivided as Survey Nos. 408/5A, 408/5B, 408/5C and 408/5D at Kurukkalpatti Village, Sankarankovil Taluk, Tenkasi District. It is stated that the property extends to about three acres and 29 cents, whereas during implementation of UDR scheme only 72 cents were segregated and patta in respect thereof was issued to the petitioner's father. While patta for the properties bearing subdivided Survey Nos.405/B and 405/D has been given to the petitioner's



father, patta for Survey Nos.405/A and 405/C has been given to the father of the fifth respondent.

3.According to the petitioner, the third respondent by proceedings dated 10.02.2017 passed an order to the effect that the entire property comprised in Survey No.408/5 belongs exclusively to the petitioner's father and recommending the issuance of a patta on such basis. The petitioner seeks rectification by placing reliance on such recommendation of the Revenue Divisional Officer.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4 herein. He states that the second respondent would consider and dispose of the petitioner's representation within a reasonable time.

5.The facts referred to above clearly indicate that there is a dispute as between the petitioner on the one hand and the fifth respondent on the other. Such disputes relating to assignment of patta cannot be conveniently addressed in summary proceedings based on affidavit evidence. Nonetheless, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 08.06.2021 for rectification of the UDR patta and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing both to the petitioner and to the fifth respondent herein and also to any others who would be affected by such order. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6.Accordingly, W.P(MD).No.13359 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.10330 of 2021 is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Collector,
Tenkasi District.

2.The District Revenue Officer,
Tenkasi District, Tenkasi

3.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.



4.The Tahsildhar,
Sankarankovil Taluk,
Tenkasi District.

+1CC to The Special Government Pleader (SR25166)

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RS (11.08.2021) 3P-6C