



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15239 of 2021

and

W.M.P. (MD) .No.12161 of 2021

WEB COPY

P.Periyandi

... Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Madurai.

2.R.Muthaiah

3.M.Vijaykumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 24.06.2021 and pass appropriate orders within the time stipulated by this Court, to cancel the UDR Patta stands in the name of 2 and 3 respondents and mutate in petitioner's name with respect to Natham land in Old Survey No.276/1 part, UDR Survey No.409/21 to an extent of 62 square meter (1 ½ cents) situated at Alagureddypatti Village, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.R.Baskaran,

Counsel for State for R1

ORDER

The petitioner seeks the expeditious disposal of an application filed before the District Revenue Officer, Madurai for rectification of the UDR records, including the patta issued in the name of the second and third respondents. The petitioner asserts that the land in Survey No.276/1 part now correlated with Natham Survey No. 409/21 originally belonged to one Ramasamy Naidu.

2.The petitioner claims title to such property under a registered sale deed dated 27.06.1945 bearing Document No.1842/1945. According to the petitioner, the second and third respondents have unlawfully endeavoured to construct a building on such property. In such circumstances, the petitioner applied for an encumbrance certificate and discovered that the second and third respondent have fraudulently obtained a house site patta. The representation dated 24.06.2021 was submitted to the first respondent in these facts and circumstances.

3.Mr.R.Baskaran, learned counsel for the State, accepts notice



on behalf of the first respondent. He submits that the first respondent may be directed to consider and dispose of the representation on merits.

4.The petitioner has enclosed the sale deed dated 27.06.1945 in the names of several persons, including the petitioner. He has also enclosed an encumbrance certificate issued on 22.07.2020. As such, the petitioner has *prima facie* indicated that he has an interest in the property in question.

5.Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 24.06.2021 and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner, the second and third respondents herein and any other person who would be affected by the outcome of such inquiry. On account of the fact that the merits of the matter have not been gone into and because the first respondent herein is directed to hear the second respondent and third respondents before passing orders, the writ petition is disposed of without notice to the private respondents.

6.W.P.(MD).NO. 15239 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD). No.12161 of 2021 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
District Revenue Office,
Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-27598[F] dated 27/08/2021)
+1 CC to M/s.The Special Government Pleader (SR-27640[F] dated 31/08/2021)

W.P(MD)No.15239 of 2021
27.08.2021

RS (07.09.2021) 2P 4C

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