



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.16083 of 2020

A.Saila Banu

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Melur at Vellaripatti Village,
Melur Taluk,
Madurai District.

2.The Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

3.The Zonal Deputy Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

4.The Village Administrative Officer,
Rajakambiram Village,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

5.Smt.T.Jancyrani,
Village Administrative Officer,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

6.The District Revenue Officer,
Collectorate, Madurai.

.. Respondents

(6th respondent is suo-motu impleaded
as per order of this Court dated 20.04.2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent to approve the proceedings of the 3rd respondent in Na.Ka.No.3187/2020/E3, dated 20.10.2020 and to make changes in online revenue records in the petitioner name in respect of the property in S.No.30/8A, Rajakambiram Village, Madurai East Taluk, Madurai District.



For Petitioner : Mr.S.Kumar
For Respondents : Mr.P.Mahendran,
Addl. Govt. Pleader for R1 to R4 & R6
Mr.B.Chakkaravarthi for R5

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ORDER

The District Revenue Officer, Collectorate, Madurai is *suo-motu* added as sixth respondent in this Writ Petition.

2. This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the fourth respondent to act upon the proceedings of the third respondent dated 20.10.2020, and make necessary changes in the revenue records, by mutating the name of the petitioner, with respect to the subject property.

3. The case of the petitioner is that the subject property originally belonged to one Ramaiah and Dhanuskodi. The petitioner purchased this property by virtue of a registered sale deed dated 17.08.2020. The petitioner found that the name of one Ambalam @ Ayyannan, who had nothing to do with the property, has been entered in the revenue records and this mistake had taken place during the UDR proceedings.

4. The petitioner therefore, made a representation to the third respondent and the third respondent issued notice to the petitioner and the person, whose name was found in the revenue records. The above said Ambalam @ Ayyannan, appeared at the time of enquiry and made a statement to the effect that he has nothing to do with the subject property. Recording the statement of the said Ambalam & Ayyannan, the third respondent, through proceedings dated 20.10.2020, directed the revenue records to be mutated in the name of the petitioner and patta issued in the name of the petitioner.

5. The grievance of the petitioner is that, the fourth respondent will have to carry out necessary changes in the revenue records and issue patta and for one reason or the other, the fourth respondent is refusing to implement the order passed by the third respondent. Left with no other alternative, the present Writ Petition has been filed.

6. Heard Mr.S.Kumar, learned counsel appearing on behalf of the petitioner, Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of respondents 1 to 4 and 6, and Mr.B.Chakkaravarthi, learned counsel appearing on behalf of the fifth respondent.

7. In the present case, the mistake had crept up during the UDR proceedings. Therefore, the competent authority, who can effect the changes will be only the District Revenue Officer, who has been *suo-*



motu impleaded as the sixth respondent. Unfortunately, the third respondent proceeded to consider the representation and pass orders on 20.10.2020. The said order goes beyond his jurisdiction.

8. However, taking into consideration the facts and circumstances of the case and also of the fact that the above said Ambalam @ Ayyannan, had made a statement to the effect that he has nothing to do with the subject property, there shall be a direction to the petitioner, to make a fresh representation to the sixth respondent along with all the relevant documents and also a copy of this order. The sixth respondent shall pass orders within a period of four (4) weeks from the date of receipt of a copy of this order. Based on the order passed by the sixth respondent, necessary changes can be effected in the revenue records.

9. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

In view of the present lock down owing to COVID-19
Note : 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

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Madurai District.

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5.The Village Administrative Officer,
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Y.Othakadai,
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6.The District Revenue Officer,
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+1 CC to M/s.SPL GP (SR-16942[F] dated 21/04/2021)

W.P. (MD) No.16083 of 2020
20.04.2021

ES (CO)
KB(26.05.2021) 4P 8C