



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16559 of 2021

1.Selvarani

2.Punithavathi

3.Balamurali

4.Raju

5.M.Akila

6.Ramachandran

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Watrap Taluk,
Watrap,
Virudhunagar District.

4.Subbulakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to cancel the name of the fourth respondent in Patta No.3000 for Punja Survey No.440/2 of Kansapuram Village, Watrap Taluk, Virudhunagar District based on the Judgment made in O.S. No.143 of 2014, dated 23.11.2020 by the Learned District Munsif Cum Judicial Magistrate No.I, Srivilliputhur.

For Petitioners : Mr.D.S.Haroon Rasheed

For R1 to R3 : Mr.K.S.Selva Ganesan,
Counsel for State.



ORDER

The petitioners seek cancellation of the patta issued to the fourth respondent on the basis of a judgment and decree dated 23.11.2020 in O.S.No.143 of 2014.

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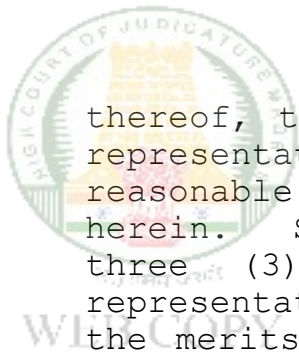
2. The petitioners state that the property of an extent of 1.41 Acres in Nanja Survey No.440/2, Kansapuram Village, Watrap Taluk, Virudhunagar District originally belonged to the first petitioner's husband Krishnasamy and brother-in-law Sundararajan. During the implementation of the UDR scheme, it is stated that Patta No.3000 was erroneously issued in the name of one Mrs.Sarala, who is the mother of the fourth respondent.

3. Therefore, the petitioners filed a suit before the District Munsif Cum Judicial Magistrate No.I, Srivilliputhur in O.S.No.143 of 2014 seeking a declaration as to title and to declare that Patta No.3000 is null and void. Upon contest, it is stated that the civil court declared that the petitioners are entitled to the relevant property. In particular, the Court also declared that Patta No.3000 is not valid. On such basis, the petitioners submitted an application to respondents 1 to 3 herein to remove the name of the fourth respondent in Patta No.3000. The present Writ Petition is filed in view of the alleged failure of the respondents to take action thereon.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the District Revenue Officer is vested with the authority to rectify discrepancies in UDR records in terms of G.O.MS.No.385, Revenue Department, dated 17.08.2004. Therefore, he states that the representation should be submitted to the jurisdictional District Revenue Officer.

5. The petitioner has enclosed a copy of the judgment and decree in O.S.No.143 of 2014. As submitted by learned counsel for the petitioner, by such judgment and decree, the Court has concluded that the petitioners are entitled to the relevant property and that Patta No.3000 is not valid. However, the petitioners also indicate that A.S.No.1 of 2021 was filed assailing the judgment and decree dated 23.11.2020. Although it is stated that no stay was obtained in such appeal suit, notice would have to be issued to the fourth respondent by the jurisdictional District Revenue Officer before any decision is taken in the matter.

6. Accordingly, without going into the merits of the matter, the petitioner is permitted to submit a fresh representation seeking the relief claimed herein before the jurisdictional District Revenue Officer. Such representation shall be submitted by enclosing all relevant documents within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt



thereof, the District Revenue Officer is directed to consider such representation and pass a reasoned order thereon after providing a reasonable opportunity to the petitioners and the fourth respondent herein. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of the fresh representation from the petitioners. On account of the fact that the merits of the matter have not been gone into and because the District Revenue Officer has been directed to hear the fourth respondent before taking a decision in the matter, the Writ Petition is disposed of without notice to the private respondent.

7.W.P.(MD).No.16559 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Watrap Taluk,
Watrap,
Virudhunagar District.

+1 CC to M/s.SPL. GP (SR-29474[F] dated 17/09/2021)



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+1 CC to M/s.D.S.HAROON RAHSEED, Advocate (SR-29488[F] dated
17/09/2021)

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16.09.2021

PS (CO)

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