



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.17325 of 2021

M.Thangeswari

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti, Madurai District.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.Thirupathi

... 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 to cancel the third respondent's UDR Patta No.388 and issue a joint patta including all the legal heirs by considering the representation of the petitioner dated 03.09.2021 within a time stipulated by this Court.

For Petitioner : Mr.K.P.Sankarakumarakuruparan
For R1 and R2 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction to the respondents to cancel Patta No.388, which was issued to the third respondent herein.

2.The petitioner traces title to the property through her grandmother, namely, Unnamalaiyammal, who executed a registered settlement deed in favour of the petitioner's father under Document No.202/1957. Upon the death of her father, she states that the petitioner, her three sisters and the third respondent are the legal heirs. However, it is alleged that during the transition to the UDR Scheme, a patta was wrongly issued to the third respondent. Therefore, the petitioner submitted a representation dated 03.09.2021 to the jurisdictional District Revenue Officer, Revenue Divisional Officer and Tahsildar. The present writ petition is filed in view of the alleged failure to act on the said representation.

<https://hcservices.courts.gov.in/hcservices/> 3.Mr.P.Subbaraj, learned counsel for the State, accepts notice



on behalf of respondents 1 and 2. He submits that the first respondent may be directed to consider and dispose of the petitioner's representation on merits.

4.The Revenue Divisional Officer is vested with the authority to consider appeals seeking cancellation of a patta issued by the Tahsildar. On the other hand, if there is a discrepancy between the UDR records and pre-UDR records, jurisdiction is vested in the District Revenue Officer concerned to deal with such discrepancies. In the case at hand, this aspect should be examined by the Revenue Divisional Officer and, if necessary, the matter may be referred to the jurisdictional District Revenue Officer.

5.Subject to the above observations but without entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 03.09.2021 and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the third respondent herein and the other legal heirs of the late Manickam Chettiar. On account of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to hear the third respondent before taking a decision, the Writ Petition is disposed of without notice to the private respondent.

6.W.P.(MD)No.17325 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Revenue Divisional Officer,
Usilampatti, Madurai District.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

+1 CC to M/s.K.P.SANKARAKUMARA KURUPARAN, Advocate (SR-30425[F]
dated 28/09/2021)

**W.P (MD) No.17325 of 2021
27.09.2021**

NSN (CO)
SB(05.10.2021) 3P 4C