



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19217 of 2021

and

W.M.P.(MD)No.15941 of 2021

WEB COPY

M.Kannan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The District Revenue Officer,
Sivagangai District, Sivagangai.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings Se.Mu.Na.Ka.A2/2835/2021, dated 27.08.2021 and quash the same and consequently direct the second respondent to rectify the error in the UDR Scheme and also grant patta in favour of the petitioner's family.

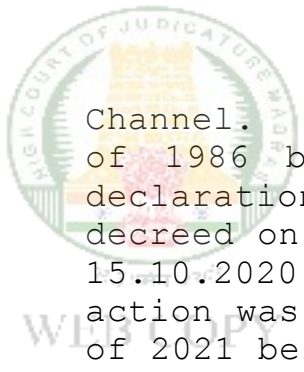
For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner assails an order dated 27.08.2021 of the third respondent by which his request for patta was rejected on the ground that the relavant land is classified as Government Poramboke Well Channel in the UDR records.

2.The petitioner states that he purchased the land bearing S.No.78/2 of an extent of 14 cents from and out of a larger extent of 1.88 acres by a registered sale deed bearing Document No.1396 of 1930 on 21.11.1930. His mother, the late Periyannayagi, purchased the above mentioned property under a registered sale deed bearing Document No.178/1978 dated 19.06.1978. The petitioner alleges that such land was wrongly classified during the UDR Scheme as Government Poramboke Well Channel.



Channel. In such circumstances, the petitioner filed O.S.No.169 of 1986 before the District Munsif Court, Devakottai, seeking declaration of title. The petitioner states that such suit was decreed on 10.04.1987. However, upon submitting an application on 15.10.2020 for rectification of UDR errors, it is stated that no action was taken. Therefore, the petitioner filed W.P.(MD)No.8021 of 2021 before this Court. The said writ petition was disposed of by order dated 19.04.2021 directing the Tahsildar to consider the petitioner's application. Such consideration culminated in the impugned order dated 27.08.2021 by which the petitioner's request for patta was rejected. According to the petitioner, the Tahsildar does not have the jurisdiction to decide disputes relating to errors in UDR records.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for all the respondents. He submits that this Court by order dated 19.04.2021, directed the Tahsildar to decide the petitioner's application. Such application was decided on the basis of UDR records. On account of the fact that the relevant land is classified as Government Poramboke Well Channel in the UDR records, the application of the petitioner for patta was rejected. He also points out that it is open to the petitioner to approach the jurisdictional District Revenue Officer if he intends to correct perceived UDR errors.

4.In view of the submissions of learned counsel for the State, W.P.(MD)No.19217 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to institute appropriate proceedings before the jurisdictional District Revenue Officer to correct the alleged UDR errors. Consequently, W.M.P. (MD)No.15941 of 2021 is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj i

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,
Sivagangai District, Sivagangai.

2.The District Revenue Officer,
Sivagangai District, Sivagangai.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-33493[F] dated 01/11/2021)

+1 CC to M/s.SPL.GP (SR-33385[F] dated 01/11/2021)

**W.P (MD) .No.19217 of 2021
29.10.2021**

PS (CO)

SB/SKN (19.11.2021) 3P 6C