



W.P.Nos.12868 and 12869 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.12868 and 12869 of 2010
and M.P.Nos.1 (2 petitions) and 2 of 2010

U.P.Sivakumaar

... Petitioners

Vs.

1.The District Collector,
Perambalur District,
Perambalur.

2.The District Collector,
Ariyalur District, Ariyalur.

3.The Revenue Divisional Officer,
Udaiyarpalayam, Ariyalur District.

4.The Tahsildar,
Udaiyarpalayam Taluk,
Jayankondan, Ariyalur District.

5.The Executive Officer,
Udaiyarpalayam Town Panchayat,
Udaiyarpalayam,
Ariyalur District.

... Respondents

PRAYER in W.P.No.12868/2010: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 8.9.2004 passed by the 1st respondent in his office Ref:Na.Ka.A4/12849/2002 and quash the same and direct the respondents 2 to 5 herein to restore the original entry existed immediately prior to the passing of the impugned order in the Revenue Records and other records and effect the name transfer in favour of the



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petitioner with respect to the shop and house properties bearing Door Nos.82B, 82C, 82D, 82E and 82F Jayamkondam Road, Udaiyarpalayam, Ariyalur District and comprised in Natham S.No.473/25B, Udaiyarpalayam, Ariyalur District.

PRAYER in W.P.No.12869/2010: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus forbearing the respondents 2 to 5 herein and their subordinates and men from in any manner demolishing the shop and house properties bearing Door Nos.82B, 82C, 82D, 82E and 82F, Jayamkondam Road, Udaiyarpalayam, Ariyalur District and comprised in Natham S.No.473/25B, Udaiyarpalayam, Ariyalur District or from interfering with the petitioners possession and enjoyment of the said shop and house properties.

For Petitioner : Mr.P.Mani

For Respondents : Mr.Yogeshkannadasan
Special Government Pleader

Order

This petition has been filed for issuance of writ of Certiorarified Mandamus calling for the records relating to the order dated 8.9.2004 passed by the 1st respondent and quash the same and direct the respondents 2 to 5 herein to restore the original entry existed immediately prior to the passing of the impugned order in the Revenue Records and another writ petition for Mandamus forbearing the respondents 2 to 5 herein and their subordinates and men from in any manner demolishing the shop and house properties of the petitioner.



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2. The case of the petitioner is that the house properties measuring 3500 sq.ft comprised in Natham S.F.No.143/25B, Udaiyarpalayam, Ariyalur District was belonged to his grandfather viz., P.Pakirisamy and during natham resurvey, patta in respect of the said house property was issued to the petitioner's grandfather and he constructed residential houses and shops and enjoyed the same. Thereafter, his grandfather bequeathed the said house property in favour of the petitioner as per the Will dated 26.02.2005 and thereby he is in possession and enjoyment of the said house property. While being so, at the instance and instigation of the political rivals, the 1st respondent herein discreetly cancelled the patta issued to the petitioner's grandfather without giving any notice and after knowing the alleged cancellation, his grandfather sent a petition to restore the original entry, however the same was not considered. It is the grievance of the petitioner that the 2nd respondent along with the respondents 3 to 5 has been taken emergent steps to demolish the said house property. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner's paternal uncle has also submitted a petition dated 11.12.2006 before the Revenue Divisional Officer, Udaiyarpalayam, for restoration of patta and the



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Tahsildar, Jayamkondam, conducted field inspection and enquiry pursuant to the petition filed by his paternal uncle P.Chellapandian and send report dated 14.09.2007 to the RDO, Udayarpalayam, stating that the petitioner's grandfather Pakkirisamy was the owner of the land in question and patta in respect of the said land may be restored as per the natham survey, however the 2nd respondent did not pass any orders. The learned counsel further submitted that as against the impugned order passed by the District Collector, the petitioner has filed Review Application before the District Collector, Ariyalur and hence this Court may issue direction to the 1st respondent to dispose the said review application within a stipulated time frame.

4. The learned Special Government Pleader appearing for the official respondents submitted if any such review application is pending before the 1st respondent, the same will be considered and disposed in the manner known to law.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.



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6. A perusal of the records reveals that though the petitioner filed two documents of the year 1940 and 1945, the petitioner's mother's name in the said documents and the legal heir certificate is not the same and further the extent and survey number is not mentioned in the above said documents. On an earlier occasion, before UDR scheme, the land is registered in the name of public office and therefore it appears that patta was wrongly issued in the name of the petitioner's grandfather and thereafter on verification, it was cancelled and therefore the petitioner's prayer for restoring the original entry in the revenue records cannot be granted. However in view of the limited request sought for by the petitioner, this Court is inclined to issue direction to the District Collector, Ariyalur, to dispose the review application filed by the petitioner, if it available on record, within a period of twelve weeks from the date of receipt of a copy of this order.

7. These Writ Petitions are dismissed with the above terms. No costs. Consequently connected miscellaneous petitions are closed.

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M.DHANDAPANI,J.

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To

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The District Collector,
Ariyalur District, Ariyalur.
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