



W.P.No.29104 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.29104 of 2022
and W.M.P.No.28385 of 2022

V.Vallai Ammal

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Mettur Revenue Divisional Office,
Bhavani Road,
Mettur - 636 401.
2. The Tashildar,
Omalur Taluk,
Salem District.
3. The Village Administrative Officer (V.A.O),
Karukkalavadi Village & Post,
Omalur Taluk,
Salem District.
4. P.Perumai Ammal,
5. P.Periyasami @ Madhu

... Respondents



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Prayer : Writ Petition has filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the 1st respondent herein to cancel the U.D.R Patta issued in favour of the 4th respondent herein.

For Petitioner : Mr.M.Arumugam

For Respondents 1 to 3 : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus to direct the first respondent herein to cancel the U.D.R Patta issued in favour of the fourth respondent herein.

2. Since no adverse order is being passed as against the fourth and fifth respondents, notice to them is dispensed with.

3. The case of the petitioner is that the husband of the petitioner, i.e. one late P.Veerapathira Goundar purchased the property situated in Karukkalvadi Village, dry land comprised in Survey No.36/5 of an extent of



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1 acre and 0.22 cents by way of a registered sale deed. After the demise of her husband, the petitioner was in enjoyment and possession of the said property. Thereafter, the petitioner came to know about the U.D.R Patta issued in favour of the fourth respondent by the second respondent/Tahsildar, Omalur-Taluk, Salem District and the settlement deed, vide Document No.2728 of 2004 dated 17.11.2004 settled in favour of the fifth respondent by the fourth respondent, pursuant to which, the petitioner had sent legal notice dated 21.03.2022 and 02.10.2022 to the respondents herein to cancel the U.D.R Patta issued in favour of the fifth respondent. However, no action has been taken till date to cancel the Patta issued in favour of the fifth respondent. Hence, the petitioner has filed this Writ Petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that petitioner's husband is the owner of the property and he purchased the said property from one Perumal Gounder. However, Patta was wrongly mutated in favour of the fifth respondent. Therefore, the petitioner filed an application before the first respondent for cancellation of the Patta. However, the said application was not considered. He further submitted that it is suffice, if this Court permits the petitioner to



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file a civil suit against the private respondents herein and if he succeeds, the petitioner may be permitted to file an appropriate application before the second respondent/Tahsildar for mutation of the Revenue Records.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 has no objection for the order being passed.

6. In view of the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file a civil suit against the private respondents herein and if he succeeds, the petitioner is permitted to file appropriate application before the second respondent/Tahsildar for mutation of the Revenue Records.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

08.11.2022

Speaking Order: Yes/No

Index: Yes/No

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M.DHANDAPANI, J.

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