



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25428 of 2019

and

W.M.P.No.24961 of 2019

Mrs.Parvathy

...Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal District,
Namakkal.
3. The Revenue Divisional Officer,
Namakkal District,
Namakkal.
4. The Tahsildar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.

5. P.Kuppusamy

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to take action on the petitioner's representation dated 15.07.2019 made for calling the UDR Patta in respect of the passage (Thadam) comprised in Survey No.328/3 Akkaraipatti Village, Rasipuram Taluk, Namakkal District, within a time frame as may be fixed and till such time, not to interfere with the petitioner's usage of the above passage.

For Petitioner : Mr.L.Chandrakumar

For Respondents R1 to R4 : Mr.M.Murali,
Government Advocate

For Respondent R5 : Mr.M.R.Jothimanian



O R D E R

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus directing the 1st respondent to take action on the petitioner's representation dated 15.07.2019 which was made praying to cancel the UDR Patta in respect of the passage (Thadam) comprised in Survey No.328/3 Akkaraipatti Village, Rasipuram Taluk, Namakkal District issued in favour of the 5th respondent, within a time frame as may be fixed and till such time, not to interfere with the petitioner's usage of the above passage.

2.The case of the petitioner is that she has purchased the properties comprised in S.No.327/11 of an extent of 81 cents and S.No.327/10 of an extent of 86 cents, situated in the above said Village through a registered sale deed dated 08.10.2004 in and by which the passage comprised in S.No.328/3 was also sold to the petitioner. Thereafter, the petitioner had been using the passage for reaching the property in S.Nos.327/11 & 327/10. While so, the 5th respondent interfered with the usage of the said passage. Therefore, the petitioner filed a suit in O.S.No.153 of 2014 on the file of the District Munsif Court, Rasipuram as against the 5th respondent seeking permanent injunction restraining the 5th respondent from interfering his right over the disputed property. Thereafter, the petitioner came to know that the 5th respondent has obtained an UDR Patta for the land in S.No.328/3 by virtue of the sale deed dated 19.02.1992. Aggrieved by the same, the petitioner made representation/grievance petition dated 15.07.2019 before the 1st respondent to cancel the UDR Patta that was issued in favour of the 5th respondent. However, till date, no order was passed on the representation made. Hence, this Writ Petition is filed.

3.Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice if this Court issues a direction to the 1st respondent to consider the petitioner's representation / grievance petition dated 15.07.2019 and cancel the UDR Patta issued in favour of the 5th respondent.

4.Learned Government Advocate appearing for the respondents 1 to 4 submitted that, the petitioner's representation / grievance petition dated 15.07.2019 was considered and the first respondent passed an order dated 15.11.2021 in Na.Ka.17093/2020 (01), directing the 3rd respondent to take appropriate action to remove the obstruction in the said passage.

5.Heard the arguments advanced on either side and perused the materials available on records.



6. In view of the fair submission made by the learned Government Advocate and the fact that the petitioner's representation / grievance petition dated 15.07.2019 was considered by the 1st respondent, and the order dated 15.11.2021 in Na.Ka.17093/2020 (01) was passed, directing the 3rd respondent to take appropriate action to remove the obstruction in the said passage, no Mandamus needs to be issued in the present Writ Petition.

7. Accordingly, this Writ Petition is closed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

anu

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal District,
Namakkal.
3. The Revenue Divisional Officer,
Namakkal District,
Namakkal.
4. The Tahsildar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.

+1cc to M/s.R.Kamaraj, Advocate, S.R.No.16750

+1cc to the Government Pleader, S.R.No.17065

W.P.No.25428 of 2019

RR(CO)
RGA(26/04/2022)