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W.P.No.29446 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.29446 of 2022
and W.M.P.No.28783 of 2022**

G.Sugumar

... Petitioner

Vs.

1. The District Collector,
Coimbatore District.
Coimbatore
2. The District Revenue Officer,
Coimbatore South, Coimbatore.
3. The Revenue Divisional Officer,
Coimbatore District, Coimbatore.
4. The Tahsildar,
Office of the Tahsildar,
Coimbatore-South, Coimbatore.
5. The Revenue Inspector,
Coimbatore-South, Coimbatore.
6. The Village Administrative Officer,
Myleripalayam Village,
Coimbatore District.
7. Arulmighu Sri Mahalakshmi Amman Foundation,
Represented by its President N.Govindaraj,



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Door No.1/122, Throuthiamman Temple Street,
Myleripalayam Village, Madukkarai Taluk,
Coimbatore.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to consider the representation of the petitioner dated 03.10.2022, to rectify the mistake in UDR Patta in Land Register, in which, it was wrongly mentioned that the property in Survey No.20, measuring to an extent of 1 Acre 19 Cents, in Myleripalayam Village, Madukkarai Taluk, Coimbatore District as Government Poramboke Land instead of Arulmighu Sri Mahalakshmi Amman Temple Land .

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.U.Bharanidharan for RR1 to 6
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the 4th respondent to consider the representation of the petitioner dated 03.10.2022, to rectify the mistake in UDR Patta in Land Register, in which, it was wrongly mentioned that the property in Survey No.20, measuring to an extent of 1 Acre 19 Cents, in Myleripalayam Village, Madukkarai Taluk, Coimbatore District as Government Poramboke Land instead of Arulmighu Sri Mahalakshmi Amman Temple Land.



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2.Since no adverse order is being passed as against the 7th respondent, notice to the 7th respondent is dispensed with.

3.The case of the petitioner is that the property in Survey No.20, measuring to an extent of 1 Acre 19 Cents, situated at Myleripalayam Village, Madukkarai Taluk, Coimbatore District originally belongs to one Ramasamy Chetty, who gifted the said property in favour of the 7th respondent temple and the said temple has been in possession and enjoyment for more than 200 years by the devotees residing around the temple. The said land has been classified as 'temple land'. Since the administrator did not pay the kist properly. While being so, the 3rd respondent concealing the above Government records, in order to dispossess him and the villagers, is showing temple property in the revenue record that the property is Government Poramboke. Therefore, the 7th respondent filed a suit in O.S.No.768 of 2022 before the Learned Sub Judge, Coimbatore for the relief of declaration declaring that the property in S.No.20, measuring to an extent of 0.48 Hectares, in Maylieripalayam Village, Madukkarai Taluk, Coimbatore District that the property belongs to Arulmighu



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Sri Mahalakshmi Amman temple and the suit is still pending. While so, there was a mistake in the UDR Scheme and in order to rectify the mistake in the UDR Scheme, the petitioner made an application dated 03.10.2022 to the 1st respondent and the 1st respondent forwarded the same to the 4th respondent to take necessary action. As the said representation made by the petitioner has evoked no response, the petitioner has filed this present Writ Petition.

4.The learned counsel for the petitioner submits there was a mistake in the UDR Scheme and in order to rectify the mistake in the UDR Scheme, the petitioner made an application dated 03.10.2022 to the 1st respondent and the 1st respondent forwarded the same to the 4th respondent to take necessary action, but the said representation is still pending with the 4th respondent. Hence, he prayed that it would suffice if this Court issues direction to the 4th respondent to consider the petitioner representation dated 03.10.2022 and pass orders on the same within a particular time frame fixed by this Court.

5.Per Contra, the learned Special Government Pleader for the respondents 1 to 6 submits that for rectification of the UDR Scheme, the petitioner has to make appropriate application before the 2nd respondent, in



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terms of G.O.Ms.385 dated 17.08.2004. Instead of filing application before the 2nd respondent, filing application before the 4th respondent is not an admissible one. Accordingly, he prayed for appropriate order.

6.Considering the facts and circumstances of the case, though the power is available to the 2nd respondent for rectification in UDR Scheme, however, inadvertently, the petitioner made an application before the 4th respondent, is not sustainable one. Hence, the prayer sought in this Writ Petition cannot be granted. However, liberty is granted to the petitioner to make appropriate application before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the 2nd respondent is directed to consider the application and pass appropriate orders on merits and in accordance with the law, after providing an opportunity to the petitioner as well as the aggrieved parties within a period of twelve weeks thereafter.

7.This Writ Petition is accordingly is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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Myleripalayam Village,

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Coimbatore District.

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M.DHANDAPANI,J.

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