



W.P.No.31704 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.31704 of 2022

1. R.Rajathi
2. R.Shanmugham
3. R.Venkatesan
4. R.Sridevi

... Petitioners

Vs.

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
2. The District Revenue Officer,
Kallakurichi.
3. The Revenue Divisional Officer,
Kallakurichi.
4. The Tahsildar,
Chinnasalem,
Kallakurichi District.
5. Arun
6. Kullan Chetty
7. Sottaiyan Chetty
8. Shanmugha Chetty
9. Ramu Chetty



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10. Poongodi

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner representation dated 23.08.2021 within a time frame as may be fixed by this Honourable Court, and to rectify the defects pointed out in the matter of sub-division and issue of patta to third persons in so far as the 11 cents of land in S.No.59/1, Vadakkanenthal Village, Chinnasalem Taluk, Kallakurichi District belonging to the legal heirs of the tile holder Rengaraju.

For Petitioners	:	Mr.R.Lakshmi Narayanan
For R1 to R4	:	Mr.U.Bharanidharan
		Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the second respondent to consider the petitioners' representation dated 23.08.2021 within a time frame as may be fixed by this Court, and to rectify the defects pointed out in the matter of sub-division and issue of patta to third persons in so far as the 11 cents of land in S.No.59/1, Vadakkanenthal Village, Chinnasalem Taluk, Kallakurichi District belonging to the legal heirs of the title holder Rengaraju.

2. Since no adverse order is being passed against the private



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respondents, notice to the private respondents is dispensed with.

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3. The case of the petitioners is that the petitioners' father namely, Rengaraju had purchased the aforesaid property under the Deed of Sale, dated 14.09.1981 in Doc.No.1134 of 1981. After the demise of petitioners' father, the legal heirs of the deceased are in possession and enjoyment of the aforesaid property. The grievance of the petitioners is that, during UDR scheme proceedings the aforesaid land has been wrongly sub-divided into 59/1A to 59/1E and patta for the sub-divided portions were given to third parties viz., fifth to tenth respondents, who have no title and possession of the aforesaid property. Therefore, the petitioners made a representation dated 29.11.2017 to the third respondent, who in turn forwarded the same to the fourth respondent to conduct an enquiry and submit a report to the third respondent. Pursuant to which, the fourth respondent directed the Revenue Inspector to conduct enquiry and to report the same. The Revenue Inspector conducted enquiry on 02.02.2018 and submitted his report stating that the aforesaid property was wrongly sub-divided and the patta to be transferred in the name of legal heirs of the said Rengaraju. However, no action had been taken by the fourth



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respondent. Therefore, the second petitioner made a representation dated 23.08.2021 before the second respondent, seeking to rectify the defects that had crept in, during UDR scheme proceedings and to issue patta in the name of the petitioners. Since the said representation was not considered by the respondents, the petitioners have filed the present Writ Petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioners submitted that, it would suffice, if this Court issues a direction to the fourth respondent to consider the petitioners' representation dated 23.08.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 has no objection for the said order being passed.

6. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to consider the petitioners' representation dated 23.08.2021 and pass appropriate orders on merits and in accordance with law, after affording an



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opportunity of hearing to the petitioners as well the private respondents herein, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, this Writ Petition is disposed of. No costs.

28.11.2022

Index: Yes/No

Speaking Order : Yes/ No

jd

To

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4. The Tahsildar,
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M.DHANDAPANI, J.

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