



W.P(MD).No.11316 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11316 of 2013

and

M.P(MD) Nos.1 to 3 of 2013

and

W.M.P(MD) No.4213 of 2018

Arul Mary

... Petitioner

-VS-

1. The District Revenue Officer (DRO)
Sivaganga,
Sivaganga District.

2. The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivaganga District.

3. Sornam (died)

4. V.Saroja

5. V.Balasubramanian

6. V.Prema

(R-4 to R6 are impleaded, vide order of
this Court dated 07.11.2022 in W.M.P(MD)
No.16800 of 2022 in W.P(MD) No. 11316 of 2013)

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7. Kalimuthu
S/o. Late.Sornam

8. Manimegalai
D/o. Late Sornam

.... Respondents

R-7 and R8 are impleaded vide order
of this Court, dated 23.11.2022
in W.M.P(MD) No.16684 of 2022
in W.P(MD) No.11316 of 2013)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the first respondent, dated 07.05.2013 in டி.மு.எண்.பி4.31251/12 and quash the same and forbearing the third respondent and his men, agents, persons claiming under him from interfering with the peaceful possession and enjoyment of the petitioner in the properties comprised in S.No.172/2B3, S.No.172/2B1 and S.No. 172/2B2 in Sadaiyankadu Village of Melasemponmari Group, Devakottai Sub District, Sivaganga District.

For Petitioner	: Mr.R.Sundar Srinivasan
For R-1 & R-2	: Mr.M.Lingadurai Special Government Pleader
For R-3 to R-6	: Mr.V.R.Shanmuganathan
For R-7	: No appearance
For R-8	: Mr.M.P.Senthil



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ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent herein, under which, the names of the third parties that have crept during UDR proceedings, have been deleted and patta was granted in the name of the third respondent.

2. According to the learned Counsel for the petitioner, the original owners of the property are one Murugesan, Balasubramanian and Shanmugam. From the said parties, they have purchased the property in the year 2005 – 2006. Thereafter, based upon the said sale deeds, patta was also transferred in the name of the writ petitioner by an order, dated 09.02.2006.

3. According to the learned Counsel for the petitioner, the third respondent herein claimed that his grandfather's, name, Kalaiyappan, was found as the owner of the property during the settlement proceedings. However, during UDR proceedings, the said Kalaiyappan's name was deleted and the names of one Murugesan, Palaniyayee and Shanmugam



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have been erroneously entered into. Alleging that the mistake had crept in during UDR proceedings, the third respondent had approached the first respondent for rectifying the same. The first respondent had conducted an enquiry and found that the names that were entered into during UDR proceedings were not correct and deleted their names under the impugned order. The first respondent has directed to enter the name of the third respondent herein. Neither the third respondent nor the persons whose names were reflected in the UDR proceedings, had any grievance over the order of the first respondent herein.

4. However, according to the learned counsel for the petitioner, they have purchased the property in the year 2006, from some third parties and revenue records were also mutated in the name of the writ petitioner in the year 2006. Without issuing any notice to the writ petitioner, the present order has been passed by the first respondent herein.

5. The writ petitioner and the third respondent herein are claiming interest over the property through two different sources. The petitioner



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claims that the property belongs to one Murugesan, Balasubramanian and Shanmugam. On the other hand, the third respondent contended that the name of his grandfather, namely, Kalaiyappan was found during settlement proceedings. The first respondent herein had proceeded to issue notice to the parties whose names were reflected in the UDR proceedings. However, revenue patta was standing in the name of the writ petitioner from the year 2006 onwards and the same has not been taken into consideration by the first respondent while deciding the issue.

6. In view of the above said facts, without going into the merits of the claim made by the writ petitioner and the third respondent herein, the order impugned in the writ petition is set aside on the ground of violation of principles of natural justice. This Writ petition stands allowed and the first respondent is directed to conduct fresh enquiry after giving due opportunity to the writ petitioner and the respondents 4 to 8. The first respondent is directed to issue notice to the petitioner, the legal heirs of the third respondent (Sornam) and to the purchasers from Sornam under the registered two sale deeds, dated 06.06.2013 and 04.09.2017. The parties are at liberty to raise all the issues that have been raised in the present Writ



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Petition. There shall be no order as to costs. Consequently, connected
Miscellaneous Petitions are closed.

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To

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R.VIJAYAKUMAR,J.

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