



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3285 of 2022

V.Arockiasamy

... Petitioner

/Vs./

1.The District Collector,
District Collectorate Campus,
Dindigul District - 624 004.

2.The District Revenue Officer,
District Collectorate Campus,
Dindigul District - 624 004.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul,
Dindigul District - 624 001.

4.The Tahsildar,
Nilakottai Taluk,
Dindigul District - 624 208.

5.The Village Administrative Officer,
Kombaipatti Village,
Nilakottai Village,
Dindigul District - 624 202.

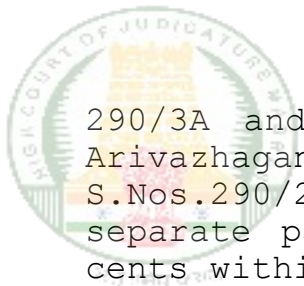
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to consider petitioner's representation dated 29.11.2021 and to pass order to remove the names wrongly included in the Patta No.1016 in survey Number 290/2A and 290/3A and to re-enter Petitioner's name and petitioner's brothers, Arivazhagan and Mathiyazhagan names in the Patta No.1016 in survey Number 290/2A and 290/3A and to direct the 4th respondent to issue separate patta in survey numbers 290/2A and 290/3A for the extent of 82.5 cents within a prescribed time.

For Petitioner	: Mr.G.Irudayasamy
For Respondents	: Mr.T.Amjad Khan
	Government Advocate

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the fourth respondent to consider petitioner's representation dated 29.11.2021 and to pass orders for removal of the names wrongly included in the Patta No.1016 in S.Nos.90/2A and



290/3A and re-enter petitioner's name and petitioner's brothers, Arivazhagan and Mathiyazhagan names in the Patta No.1016 in S.Nos.290/2A and 290/3A and to direct the fourth respondent to issue separate patta in S.Nos.290/2A and 290/3A for the extent of 82.5 cents within a timeframe to be fixed by this Court.

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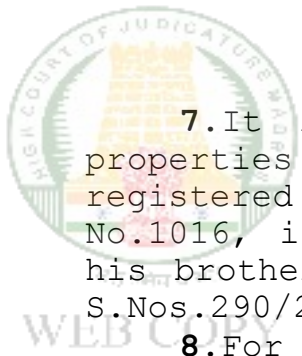
2.It is the case of the petitioner that after UDR survey, Patta No.1016 has been issued wrongly in the name of the petitioner's sister, one Rose Benedict @ Thiruchelvem, though only some of the properties were gifted by the petitioner's father in favour of the petitioner's sister under a registered Gift Settlement Deed dated 03.08.1990. According to the petitioner, he is the brother of one Rose Benedict @ Thiruchelvem, Arivazhagan and Mathiyazhagan.

3.It is their case that their father, Vivesh registered a Gift Settlement Deed dated 03.08.1990 in favour of the petitioner's sister, Rose Benedict @ Thiruchelvem for some of the properties owned by him and the remaining properties were allotted to the petitioner and his brothers, who are his sons. But, however, according to the petitioner, under Patta No.1016, which was issued after the UDR survey, it has been issued exclusively in the name of Rose Benedict @ Thiruchelvem, which includes the properties given to the petitioner by his father, Vivesh.

4.The petitioner has given representations on various dates and the last representation was on 29.11.2021 to the respondents requesting them to remove the names wrongly included in the Patta No.1016 in S.Nos.290/2A and 290/3A and re-enter petitioner's name and petitioner's brothers, Arivazhagan and Mathiyazhagan names. He has also requested the respondents to issue a separate patta for the aforementioned survey numbers in the name of the petitioner and the petitioner's brothers, namely, Arivazhagan and Mathiyazhagan. Since the representations have not been considered till date, the petitioner has filed this writ petition.

5.Heard Mr.G.Irudayasamy, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents.

6.No prejudice will be caused to the respondents, if the petitioner's representation for removal of the names wrongly included in the Patta No.1016 in S.Nos.290/2A and 290/3A and re-enter petitioner's name and petitioner's brothers, Arivazhagan and Mathiyazhagan names in the Patta No.1016 in S.Nos.290/2A and 290/3A and to direct the fourth respondent to issue separate patta in S.Nos.290/2A and 290/3A for the extent of 82.5 cents, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other rival claimants, including the petitioner's sister, Rose Benedict @ Thiruchelvem.



7.It is the case of the petitioner that only some of the properties were gifted to Rose Benedict @ Thiruchelvem under a registered Gift Settlement Deed, dated 03.08.1990, but in patta No.1016, issued after UDR survey, the names of the petitioner and his brothers, Arivazhagan and Mathiyazhagan have been excluded for S.Nos.290/2A and 290/3A.

8.For the foregoing reasons, this Court directs the second and fourth respondents to consider the petitioner's representation dated 29.11.2021 seeking for removal of names wrongly included in the Patta No.1016 in S.Nos.290/2A and 290/3A and re-enter petitioner's name and petitioner's brothers, Arivazhagan and Mathiyazhagan names in the Patta No.1016 in S.Nos.290/2A and 290/3A and to direct the fourth respondent to issue separate patta in S.Nos.290/2A and 290/3A for the extent of 82.5 cents and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and his brothers, namely, Arivazhagan and Mathiyazhagan and all other rival claimants, including the petitioner's sister, Rose Benedict @ Thiruchelvem, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
District Collectorate Campus,
Dindigul District - 624 004.
- 2.The District Revenue Officer,
District Collectorate Campus,
Dindigul District - 624 004.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul,
Dindigul District - 624 001.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Tahsildar,
Nilakottai Taluk,
Dindigul District - 624 208.

5.The Village Administrative Officer,
Kombaipatti Village,
Nilakottai Village,
Dindigul District - 624 202.

+1 CC to M/s.G.IRUDAYASAMY, Advocate (SR-7953[F] dated 23/02/2022)

+1 CC to M/s.SPL GP (SR-7753[F] dated 22/02/2022)

W.P. [MD]No.3285 of 2022
21.02.2022

MGJ(08.03.2022) 4P 8C