



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3481 of 2022

and

W.M.P.[MD]No.3051 of 2022

WEB COPY

C.Jeyaprakash

... Petitioner

/Vs./

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The District Revenue Officer,  
Sivagangai District,  
Sivagangai.

3.The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.

4.The Tahsildar,  
Singampunari Taluk,  
Sivagangai District.

5.Rathinam

6.P.Manoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents No.1 to 4 to rectify the defect in Patta No.1418, UDR, Sketch, Subdivision and Revenue records pertaining to the land in S.No.403/1, Sadurvedamangalam Village, Singampunari Taluk, Sivagangai District, on the basis of the Civil Court order in partition suit final decree in I.A. No.545/1974 in O.S.No.425 of 1971 dated 26.02.1976 and connected order in Execution Petition No.61 of 1976 dated 21.09.1976 on the file of the District Munsif Court, Sivagangai and to consider the representation of the petitioner dated 07.02.2022 and to issue fresh patta, UDR, Sketch, Subdivision and other Revenue records allotting 32 cents of land in the middle portion of the above said property.

For Petitioner

: Mr.V.Thirumal

For R1 to R4

: Mr.B.Saravanan

Additional Government Pleader



**ORDER**

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents 1 to 4 to rectify the defect in Patta No.1418, UDR, Sketch, Subdivision and Revenue records pertaining to the land in S.No.403/1, Sadurvedamangalam Village, Singampunari Taluk, Sivagangai District, on the basis of the Civil Court order in partition suit final decree in I.A.No.545/1974 in O.S.No.425 of 1971 dated 26.02.1976 and connected order in Execution Petition No.61 of 1976 dated 21.09.1976 on the file of the District Munsif Court, Sivagangai, based on the petitioner's representation dated 07.02.2022 and to issue fresh patta, UDR, Sketch, Subdivision and Revenue records pertaining to the land in middle portion of the above referred property, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that there is a defect in Patta No.1418, standing in the name of the petitioner's mother. According to the petitioner, 32 cents should be allotted in the middle portion of the above referred property. But, in Patta No.1418, it has been allotted in two sub-divisions, namely, 403/1A and 403/1C.

3.It is also the case of the petitioner that Patta No.1418 standing in the name of the petitioner's mother has been issued not in consonance with the Civil Court order in the partition suit in final decree proceedings in I.A.No.545/1974 in O.S.No.425 of 1971 dated 26.02.1976 and connected order in Execution Petition No.61 of 1976 dated 21.09.1976 on the file of the District Munsif Court, Sivagangai. Therefore, the petitioner has given a representation on 07.02.2022, to the official respondents calling upon them to rectify the defect found in Patta No.1418. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.V.Thirumal, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader for the official respondents.

5.The petitioner has filed documents along with this writ petition to substantiate his claim that there is a defect in Patta No.1418 and therefore, the same will have to be rectified by the second respondent by allotting 32 cents of land in the middle portion of the aforesaid property in respect of the erroneous two sub-divisions made in Patta No.1418, referred to supra.

6.No prejudice would be caused to the respondents, if the petitioner's representation dated 07.02.2022 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 5 and 6 and other necessary parties, within a time frame to be fixed by this Court.



7. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 07.02.2022 requesting for rectification of Patta No.1418 as stated supra and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 5 and 6 and other necessary parties, if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

// 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,  
Sivagangai District, Sivagangai.
2. The District Revenue Officer,  
Sivagangai District, Sivagangai.
3. The Revenue Divisional Officer,  
Devakottai, Sivagangai District.
4. The Tahsildar,  
Singampunari Taluk, Sivagangai District.

+1 CC to M/s.V.THIRUMAL, Advocate ( SR-8460[F] dated 24/02/2022 )

+1 CC to M/s.SPL GP ( SR-8739[F] dated 25/02/2022 )

**W.P.[MD]No.3481 of 2022**

**24.02.2022**

MGJ(11.03.2022) 3P 7C