



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.15321 of 2021

R.Selvam

... Petitioner

Vs

1.The Tahsildar,
Tahsildar Office,
Periyakulam,
Theni District.

2.Mr.Deepan,
Head Surveyor,
Land Survey Section,
Tahsildar Office,
Periyakulam,
Theni District.

3.The Inspector of Police,
Devathanapatty Police Station,
Theni District.

4.P.V.Perumal Thevar,
S/o. Veeranana Thevar,
North Street,
Devathanapatty,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents not to measure, re survey the property in S.No.145, 146 of Devadhanapatti Village, Periyakulam Taluk, Theni District.



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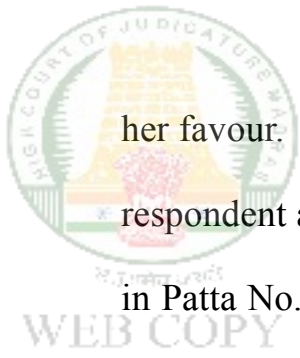
For Petitioner : Mr.U.Antony Santhosah
For R1 : Mr.D.Gandhiraj
Special Government Pleader
For R2 :
For R3 : Mr.B.Thanga Aravindh
Government Advocate
For R4 : Mr.R.Thavasi @ Boomi

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondent to rectify the error crept in patta No.9 with regard to land in S.No.52/B at Karisalpatti Village, Thirumangalam Taluk, Madurai District on the basis of petitioner's representation dated 05.09.2022.

2.Heard Mr.C.M.Mari Chelliah Prabhu, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner purchased the lands in S.Nos.52/5, 52/2, 52/4, 53/2 and 52/6 at Karisalpatti Village, Thirumangalam Taluk, Madurai District admeasuring to an extent of 1 Acre 51 cents through registered sale deed, dated 22.08.1985. After purchasing the land, she has been enjoying the property without any interruption and kist receipts were also issued in



her favour. The said land was made to sub-division through the proceedings of the first respondent and computerized patta was issued to her. While issuing computerized patta in Patta No.464, the respondent entered her name alone in the patta perfectly. But they committed an error while making entry in Patta No.9 with regard to the land in S.No. 52/5B. Since, the name of one Muniyandi was included along with her name. The said Muniyandi has no nexus with her property. Immediately, the petitioner has given a petition before the third respondent for rectifying the error, but it was rejected without any explanation. Aggrieved over the same, she preferred an appeal before the second respondent and the second respondent issued a communication on 31.03.2022 to the office of the third respondent for the purpose of filing enquiry report and thereafter, she was informed that the mistake crept in was done at the time of UDR. Immediately, the petitioner has sent representation dated 05.09.2022 to the respondents in order to rectify the defect in Patta No.9 which was done at the time of UDR. Even after receiving her representation, the respondents did not take any steps for rectifying the defects.

The learned Special Government Pleader appearing for the respondents would submit that originally the property stood in the name of Muniyandi as per the UDR scheme and the said Muniyandi name alone is found in the documents. As per the document produced by the petitioner, her name was also included in the said patta and Patta No.9 was issued and the same was not committed by the officials, but through UDR ... the original Pattathar namely Muniyandi and the petitioner's name has been



included all the lands without any agricultural activities. On going through the register, it shows that Survey No.5B belongs to one Muniyandi and in the authorities will hold an enquiry and pass appropriate orders.

Whether the petitioner has got valid right or not or any mistake committed has to be decided by the respondent and they have to pass appropriate orders.

In view of the above, the respondents are directed to consider the petitioner's representation, dated 05.09.2022 and pass appropriate orders on merits and in accordance with within a period of Sixteen (16) weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

09.11.2022

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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