



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 05.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21184 of 2022

C.Radhakrishnan

... Petitioner

Vs

1.The District Revenue Officer,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.

4.Murugan

5.Rengappan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent herein to cancel the UDR patta on the name of the fourth and fifth respondents herein and further direct the first to third respondents herein to issue the patta on the petitioner's name and his brothers and sisters name with regard to property in Survey No.723/1 to an extent of 66 cents situated at Ayyalur Village, Vedasandur Taluk, Dindigul District based on his representation dated 29.06.2022.

For Petitioner :Mr.G.Gomathi Sankar

For Respondents :Mr.D.Gandhiraj

Special Government Pleader

**ORDER**

The Petitioner has prayed for issuance of a Writ of Mandamus directing the first respondent herein to cancel the UDR patta on the name of the fourth and fifth respondents herein and further direct the respondents 1 to 3 herein to issue the patta on the petitioner's name and his brothers and sisters name with regard to property in Survey No.723/1 to an extent of 66 cents situated at Ayyalur Village, Vendasandur Taluk, Dindigul District based on his representation dated 29.06.2022.

2.Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the official respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner's case is that the petitioner's grandfather was in possession of the property to an extent of 99 cents in Survey No.723/1, situated at Ayyalur Village, Vendasandur Taluk, Dindigul District. After the demise of petitioner's grandfather, his legal heirs, namely, Chinnama Naidu, who is the father of the petitioner, Muthu Renga and Rengasamy were in possession of the property. After sometime, the property was partitioned between them due to some misunderstanding. Thereafter, the brother of the petitioner's father had



cents and the remaining 66 cents was in possession of petitioner's father without any alienation. Meantime, during the UDR Scheme, the entire 99 cents was wrongly stand in the name of respondents 4 and 5. Taking advantage of UDR patta, the respondents 4 and 5 had interfered with the petitioner's father's possession and enjoyment of the property. In this regard, the petitioner's father filed O.S.No.221 of 200 before the District Munsif cum Judicial Magistrate Court, Vendasandur against the respondents 4 and 5 for the relief of declaration and injunction and the suit was decreed in favour of the petitioner's father. Thereafter, no appeal had been filed by the respondents 4 and 5. After the judgment and decree, the respondents 4 and 5 made an application before second respondent for issuing of patta in their name. After conducting an enquiry, the second respondent came to the conclusion that UDR patta was wrongly entered in the name of the respondents 4 and 5. Then, the petitioner's father was directed to make an necessary application before the first respondent. In pursuant to that, his father made an application before the first respondent on 22.01.2018 and the same was forwarded to the third respondent for conducting enquiry. As such, the third respondent issued notice to the petitioner's father and the respondents 4 and 5 and thereafter, no further enquiry is made and the same is pending. Hence, the Petitioner has approached this Court seeking interference by this Court.



4. In view of the above said facts and circumstances, without going into the merits of the case, this Court directs the first respondent to consider the case of the Petitioner based on the representation submitted by him on 29.06.2022 and on the basis of documents and materials to be produced by the Petitioner herein, decide the issue after giving an opportunity of hearing to the Petitioner and other interested parties, if any, and pass appropriate orders in accordance with Law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands disposed of. No costs.

05.09.2022

Index : Yes/No

Internet: Yes/No

Rmk

To

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V.BHAVANI SUBBAROYAN,J.,

Rmk

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