



W.P(MD)No.9572 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9572 of 2015

and

M.P(MD)No.1 of 2015

A.Vallatharasu

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ram Nagar,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Ram Nagar, Devakottai,
Sivagangai District.

3.Alaghurajan

4.Ananthavalli

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Moo.Mu.A1-6073-14, dated 16.05.2015 and quash the same and consequently forbear the respondents 1 and 2 herein from



W.P(MD)No.9572 of 2015

effecting mutation of revenue records in favour of the third respondent 3
herein.

For Petitioner : M/s.S.Meenakshi Sundaram
Senior Counsel
for M/s.B.Muruganandam

For R-1 & R-2 : M/s.A.Baskaran
Additional Government Pleader

For R-3 & R-4 : M/s.S.M.Sanjay

ORDER

The present Writ Petition has been filed challenging an order passed by the Revenue Divisional Officer, under which, the patta standing in the name of the writ petitioner was converted into a joint patta in the name of writ petitioner along with the third respondent and one Rajeswari.

2. According to the learned Senior Counsel appearing for the writ petitioner, the property originally belonged to one Chelliah Servai and even during his lifetime, the said Chelliah Servai and his sons Alagarsamy Servai and Sornam Servai have entered into an oral partition and the property in dispute was allotted to the share of the writ petitioner's father, namely, Alagarsamy Servai. Thereafter, sub divisions



W.P(MD)No.9572 of 2015

have been effected and separate pattas have also been issued in favour of the writ petitioner. The learned Senior Counsel further contended that during UDR proceedings, patta has been granted in favour of the writ petitioner in patta No.147 for the survey number in dispute, namely, 8-2B for an extent of 2.72.0 hectares. However, the third respondent herein, who is the son of Sornam Servai had approached the first respondent herein, by way of an application on 14.11.2014, contending that this survey number alone has not been partitioned and separate patta ought not to have been issued in favour of the writ petitioner. The first respondent herein after considering the contentions raised by the parties, has arrived at a conclusion that the property has not been partitioned and he has passed the impugned order converting the separate patta of the writ petitioner into a joint patta of the writ petitioner along with the third respondent and one Rajeswari. The said order is under challenge in the present writ petition.

3. The learned Senior Counsel appearing for the petitioner has pointed out that the patta has been issued in favour of the writ petitioner during UDR proceedings in patta No.147. The learned Senior Counsel



W.P(MD)No.9572 of 2015

relied upon G.O.Ms.No.385 Revenue (Public-3) Department, dated 17.08.2004, to impress upon the Court that any alleged defects in the UDR proceedings have to be rectified only by the District Revenue Officer and no other revenue authorities have got any jurisdiction to entertain any such application. In the present case, admittedly, patta has been granted in favour of the writ petitioner, only during UDR proceedings. Hence, the first respondent, namely, the Revenue Divisional Officer, Devakottai will not have any jurisdiction to entertain any application from the third respondent herein to cancel the separate patta in favour of the writ petitioner and to convert it into a joint patta.

4. In view of the above said discussion, the following order is passed:

"(i) The order impugned in the writ petition is set aside. The joint patta issued pursuant to the impugned order in joint patta No. 312 is also set aside.

(ii) The third respondent is at liberty to approach the District Revenue Officer, Sivagangai to ventilate his grievances with regard to alleged defects in the UDR proceedings.



W.P(MD)No.9572 of 2015

WEB COPY

(iii) Till a decision is arrived at by the District Revenue Officer, Sivagangai, the separate patta standing in the name of the writ petitioner granted during UDR proceedings in patta No.147 shall stand restored."

5. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

09.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Revenue Divisional Officer,
Ram Nagar,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Ram Nagar, Devakottai,
Sivagangai District.



W.P(MD)No.9572 of 2015

R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.9572 of 2015

09.11.2022