



W.P.(MD)No.27105 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.12.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.27105 of 2022

P.Thangarasu

.. Petitioner

Vs.

1.The Secretary to Government,
Revenue and Disaster Management Department,
Land Survey-2(1) Section,
Secretariat, Chennai-9.

2.The Commissioner of Land Administration,
O/o. Commissioner of Land Administration,
2nd Floor, Ezhilagam, Chepauk,
Chennai-600 005.

3.The District Collector,
O/o.Collectorate of Thirappalli,
Trichy.

4.The District Revenue Officer,
Trichy District, Trichy.

5.The Tahsildar,
O/o.Marungapuri Taluk,
Kallupatty,
Marungapuri Taluk,
Trichy District.

6.The Revenue Inspector,
Karadipatty Village,
Velakurichy Group,
Marungapuri Taluk,
Trichy District.

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to O.Mu.Aa2-2280/2021, dated Nil.01.2022 (impugned order) of the fifth respondent and quash the same as illegal and exercising the power arbitrarily and malafide in the eyes of law and consequently direct the third and fourth respondent to pass an order of change in present UDR-'A' Register and issue patta in the name of the petitioner's name pertaining to the land in S.No.13/1 measuring total extent of 1 Acre 50 cents, situated at Karapatti Village, Vellakurichy Group, Kanchanaikanpatty Post, Thuvarankurichi Via, Marungapuri Taluk, Trichy District in the light of Pre-(before) UDR- 'A' Settlement Land Records (SLR), 1963.

For Petitioner : Mr.S.Muthumalairaja

For R1 to R6 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, to quash the order made in O.Mu.Aa2-2280/2021, dated Nil. 01.2022 by the fifth respondent passed exercising the power arbitrarily and *mala fide* in the eye of law and consequently to direct the third and fourth respondents to change present UDR-'A' Register and issue patta in the name of the petitioner with regard to the land in S.No.13/1 measuring to an extent of

1 Acre 50 cents, situated at Karapatti Village, Vellakurichy Group,



W.P.(MD)No.27105 of 2022

Kanchanaikanpatty Post, Thuvrankurichi Via, Marungapuri Taluk, Trichy District in the light of Pre-(before) UDR- 'A' Settlement Land Records (SLR), 1963, 04.07.2022, within the stipulated period to be fixed by this Court.

2. Heard Mr.S.Muthumalairaja, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The grievance of the petitioner is that the ancestral property of the property of the petitioner has been classified as Government land, after UDR.

4. The learned counsel for the petitioner submitted that the petition mentioned property is the ancestral property of the petitioner. He inherited the property after the demise of his father. The petitioner applied for chitta before the respondents to transfer the land in S.No.13/1 in his favour. In the revenue records, the land in S.No.13/1 is wrongly mentioned as Government Land. Hence, the petitioner made a representation, dated 10.09.2021 before the respondent seeking to rectify the error that was crept in the revenue records during UDR scheme. Since the same was not considered, the petitioner filed W.P.(MD)No.19925 of 2021 and the same came to be disposed of directing



W.P.(MD)No.27105 of 2022

the respondents to consider the representation of the petitioner in accordance with pre-UDR SLR-'A' Register Documents. On considering the said representation, the impugned order was passed by the fifth respondent stating that the land, for which the petitioner sought patta, is the Government land. Challenging the same, the petitioner has filed the present writ petition.

5.The learned counsel for the petitioner submitted that the pre-UDR 'A' Register shows that the petition mentioned property is the ancestral property of the petitioner. The revenue records also reflected the names of the petitioner's ancestors. After UDR Scheme only, the petition mentioned property was wrongly classified as Government Land. He further submits that the fifth respondent is not the competent authority to deal with the representation of the petitioner. But the order impugned herein has been passed by the fifth respondent.

6.The learned Special Government Pleader appearing for the respondents submitted that the entire proceedings have been conducted by the respondents only after due process of law. Further, the subject property has been classified as water body and hence, patta cannot be issued to the petitioner.



W.P.(MD)No.27105 of 2022

7.It is clear that the impugned order has been passed by the fifth respondent, who is not a competent authority to pass the impugned order and it can only be dealt with by the third and fourth respondents, who are the competent authorities. In this case, instead of third and fourth respondents, the fifth respondent had chosen to proceed with the matter and passed the impugned order.

8. In view of the above, the order impugned in this writ petition is quashed and the matter is remanded back to the third and fourth respondents, who are the competent authorities to deal with this issue. The third and fourth respondents are directed to consider the matter afresh and pass appropriate orders on the same, after affording a fair opportunity of hearing to the petitioner, as well as the rival claimants, if any, and after scrutinizing the revenue records including Pre-UDR 'A' Register, within a period of sixteen [16] weeks from the date of receipt of a copy of this order.

9.With the above direction, this writ petition is disposed of. There shall be no order as to costs.

01.12.2022

Index : Yes/No
Internet : Yes/No



W.P.(MD)No.27105 of 2022

V.BHAVANI SUBBAROYAN, J.

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W.P.(MD) No.27105 of 2022

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