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W.P.No.4908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.4908 of 2023

G.Kaliappan

... Petitioner

Vs

- 1.The District Collector,
Dharmapuri District.
- 2.The District Revenue Officer,
Dharmapuri District.
- 3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.
- 4.The Village Administrative Officer,
Kukkalmalai Village,
Dharmapuri District.
- 5.Murugan
- 6.Ammasi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner application dated 27.09.2022 for UDR corrections as per the registered documents for the lands in Survey No.43/1, 43/2, 43/6, 19/12A, 19/13B, 19/9 and 21/10 situated at Kukkalmalai Village, Dharmapuri District.



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W.P.No.4908 of 2023

For Petitioner : Ms.P.Sharmila

For Respondents : Ms.Akila Rajendran
Government Advocate for R1 to R4

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent to dispose of the petitioner application dated 27.09.2022 for UDR corrections as per the registered documents for the lands in Survey No.43/1, 43/2, 43/6, 19/12A, 19/13B 19/9 and 21/10 situated at Kukkalmai Village, Dharmapuri District.

2. In respect of property at Survey No.43/1, 43/2, 43/6, 19/12A, 19/13B 19/9 and 21/10 situated at Kukkalmai Village, Dharmapuri District, it is the claim of the petitioner that it was the family property, thereafter partition was effected among the co-owners i.e. father and brother of the petitioner who are the private respondents herein and as per the partition, the said properties have been allotted to the petitioner. Despite the said allotment having been made since it stood in the name of the family members especially in the name of the 5th and 6th respondents who are the father and brother of the petitioner, in order to get patta in the name of the petitioner for the said land as per the partition, the petitioner had given a



W.P.No.4908 of 2023

representation or application to the respondents on 27.09.2022, therefore in order to consider the same seeking direction to the 2nd respondent District Revenue Officer since it has been made during the UDR survey, the petitioner has moved the present writ petition with the aforestated prayer.

3. Heard Ms.P.Sharmila, learned counsel appearing for the petitioner and Ms.Akila Rajendran, learned Government Advocate appearing for respondents 1 to 4. In view of the order going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

4. The learned Government Advocate for the official respondents would submit that, since the UDR correction has been made, it has to be rectified if at all to be rectified only by the District Revenue Officer i.e. the 2nd respondent to whom the representation given by the petitioner dated 27.09.2022 would be considered and decided on merits, of course after giving an opportunity of being heard to both petitioner as well as the private respondents within a time frame that may be stipulated by this Court.



W.P.No.4908 of 2023

5. Considering the said submission made by the learned Government

Advocate for the official respondents, this Court directs the 2nd respondent District Revenue Officer to consider the said representation of the petitioner dated 27.09.2022 and pass orders thereon on merits and in accordance with law, of course after hearing both petitioner as well as the private respondents within a period of eight weeks from the date of receipt of a copy of this order.

6. With this direction, this Writ Petition is disposed of. No costs.

21.02.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

1.The District Collector,
Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri District.

3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

4.The Village Administrative Officer,



Kukkalmalai Village,
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WEB COPY



W.P.No.4908 of 2023



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W.P.No.4908 of 2023

R.SURESH KUMAR, J.

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W.P.No.4908 of 2023

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