



W.P.No.29439 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.10.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE P.VELMURUGAN**

**W.P.No.29439 of 2023**

S.Karuppannan

... Petitioner

Vs.

1. The District Collector,  
Collectorate, Salem District,  
Salem.

2. The Revenue Divisional Officer,  
Sangagiri – 637 301,  
Salem District.

3. The Tahsildar,  
Edappadi Taluk,  
Edappadi,  
Vellandivalasu Post,  
Salem District – 637 105.

4. The Assistant Director,  
Land Survey & Land Records,  
2<sup>nd</sup> Floor, Collectorate,  
Salem – 636 001.

5. Thangavel

... Respondents



W.P.No.29439 of 2023

**PRAYER:**

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus order or direction in the nature of a writ, directing the 2<sup>nd</sup> respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 01.08.2023 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For R1 to R4 : Mr.R.P.Murugan Raja  
Government Advocate

**ORDER**

The petitioner has filed the present Writ Petition praying to direct the second respondent to consider the petitioner's written representation dated 01.08.2023 within the time stipulated by this Court.

2. The contention of the petitioner is that one Marimuthu Bakthar purchased a land to the extent of 20 cents situated in S.No.42/5 (T.S.No.6/4 and 6/11, Chinnamanali village, Salem District) vide Document No.747/1957. After the demise of the said Maritmathu



W.P.No.29439 of 2023

WEB COPY

Bakthar, his legal heirs obtained patta in their name in Patta No.555. They executed a power of attorney in favour of one A.Kokilavani and the same was duly registered before the Sub Registrar, Edappadi in Document No.71 of 1995. The said power agent sold the land to one Ramalingam and the sale deed was registered as Document No.1090 of 1995. After the demise of the said Ramalingam, his legal heirs sold 4 ½ cents of land situated in S.No.42/5 to the petitioner in Doc.No.2852 of 2021. Subsequently, a rectification deed was also executed by the legal heirs of the said Ramalingam for rectifying the mistake in the schedule of property in Doc.No.3853 of 2023. As per UDR scheme, while making entry in the revenue records in the year 2022, it was wrongly entered in the name of one Andiyappan and patta has been issued in favour of Andiyapan, in respect of the petitioner's land. Hence, the petitioner made a written representation before the official respondents requesting them to cancel the patta issued in favour of Andiyappan who died 30 years ago. Though the second respondent having the power to cancel the patta, no order has been passed till date. Hence, he filed the present petition.



W.P.No.29439 of 2023

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3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents and perused the materials available on record.

4. It is seen that while making entries under the UDR scheme, patta has been wrongly given to Andiyappan, instead of the petitioner. Hence, the petitioner made a representation to the respondents on 01.08.2023. The petitioner has not produced any materials such as patta, adangal or Kist receipts to prove that he is in possession and cultivating the subject lands. Though a wrong entry has been made in the patta, still he is in possession of the property. The petitioner admitted that in the UDR scheme, patta and adangal have been registered in A Register in the name of legal heirs of one Marimuthu Bakthar namely Ckarukkayee, Srinivasan, Chinna Arumugam and Ramalingam. Moreso, the petitioner himself admitted that under UDR scheme, the patta was issued.



W.P.No.29439 of 2023

WEB COPY

5. Therefore under such circumstances, without ascertaining the rights and possession of the property, the subject matter of the dispute cannot be decided in the writ petition and it requires a detailed enquiry or trial. Hence, the writ petition is dismissed. There shall be no order as to costs. The petitioner is at liberty to work out his remedy in the manner known to law.

**11.10.2023**

*mfa*

*Index: Yes/No*

*Speaking Order: Yes/No*

*Neutral Citation: Yes/No*

**To**

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W.P.No.29439 of 2023

**P.VELMURUGAN, J.**

*mfa*

**W.P.No.29439 of 2023**

**11.10.2023**