



W.P.(MD)No.1230 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1230 of 2021

and

W.M.P.(MD).No.1048 of 2021

Devanan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Taluk Office,
Usilampatti Taluk,
Madurai District.

4.Rasu Chinnamayan

5.Baluchamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impunged patta No. 3338 dated 11.03.2020 in



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respect of survey No. 48/5 and impugned Patta No. 1932 dated 11.03.2020 in respect of Survey No. 48/4 issued by the 3rd respondent in the name of the 4th and 5th respondents and quash the same as illegal, improper and arbitrary and consequently direct the respondent to issue patta in the name of the petitioner, his brother Periyakaruppa Thevar his junior paternal uncle Mookandi Thevar's sons Jeyakodi, Periyamayandi, Chinnamayandi, Pandian and another junior paternal uncle Periyamaya Thevar comprised in Survey No. 48/4 an extent of 2 Acres 62 cents and in Survey No. 48/5 an extent of 2 Acres 58 Cents, situated at Karumathur Village, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.R.Murugan

For R-1 to R-3 : Mr.B.Saravanan,
Additional Government Pleader

For R-4 & R-5 : No Appearance

ORDER

This Writ Petition has been filed challenging the patta that was issued in favour of the fourth and fifth respondents by the third respondent.

2. Heard the learned counsel on either side.



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3. The case of the petitioner is that the subject property originally belonged to his grandfather and thereafter, it devolved upon the father of the petitioner and his brothers. A mortgage was created and the petitioner had settled the money and redeemed the mortgage. The petitioner noticed that the names of the fourth and fifth respondents were added in the revenue records. When the petitioner sought for an information, the patta that was granted in favour of the fourth and fifth respondents was given to the petitioner and the same has been put to challenge.

4. The third respondent has filed a counter affidavit and he has taken a stand that the names of the fourth and fifth respondents were entered during the UDR survey and pursuant to the same, their names are found in the “A” Register and patta was issued in their names.

5. In the considered view of this Court, the mistake had crept in during the UDR survey. Therefore, without correcting this mistake, no useful purpose will be served in challenging the patta that was issued in favour of the fourth and fifth respondents by the third respondent. The



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third respondent has merely acted upon the UDR scheme and issued the patta in the name of the fourth and fifth respondents.

6. In view of the above, liberty is granted to the petitioner to make an appropriate application before the District Revenue Officer and seek for correction in the revenue records. While undertaking this exercise, the District Revenue Officer shall also issue notice to the fourth and fifth respondents and after hearing the parties, the final order shall be passed. Depending upon the order passed by the District Revenue Officer, the Tahsildar will act upon the same and mutate the revenue records accordingly.

7. This Writ Petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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To

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N.ANAND VENKATESH, J.

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