



WP(MD)No.1083 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.1083 of 2021

O.S.T.S.Swaminathan

...Petitioner

/Vs./

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai.

4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai.

. ...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein, more particularly 4th respondent herein to hold an enquiry and submit a report to the 2nd respondent relating to the erroneous entry made during UDR proceedings for RS No.336/1 measuring 1.30 acres and RS No.336/7 measuring 1.06 acres situated in Kollankudi Village, Sivagangai and consequently direct the respondents herein to effect and transfer of patta in favour of petitioner as per the partition deed dated 04.05.1951 allotting to the petitioner as 2nd item of C-Schedule therein.



WP(MD)No.1083 of 2021

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Ms.S.Jeyapriya

Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 4th respondent to hold an enquiry and to submit a report to the 2nd respondent relating to the erroneous entry made with respect to the properties in RS No.336/1 measuring 1.30 acres and RS No.336/7 measuring 1.06 acres situated in Kollankudi Village, Sivagangai and for a consequential direction to the respondents to effect mutation of revenue records and transfer the patta in favour of petitioner as per the partition deed dated 04.05.1951.

2. Heard Mr.S.Srinivasa Raghavan, learned counsel for the petitioner and Ms.S.Jeyapriya, learned Government Advocate for the respondents.

3. The case of the petitioner is that there was a family partition, which was reduced to writing on 04.05.1951 and as per this partition, the subject properties were allotted in favour of the petitioner and this was shown as second item in C-schedule to the partition deed, thereby, the petitioner is claiming to be



WP(MD)No.1083 of 2021

an absolute owner of the subject properties. The grievance of the petitioner is that some erroneous entry / classification was made without putting the petitioner on notice or conducting any enquiry and as a result, in the SLR with respect to RS No.336/1, it has been classified as temple land and with respect to RS No.336/7, it has been shown as 'tharisu, kudivaara kiraiya pathiram'.

4. The petitioner wanted the mistakes in the entries made to be rectified and for issuance of patta in his name with respect to subject properties and a representation was made in this regard. Since there was no response, left with no other option, the present writ petition has been filed before this Court.

5. The learned Government Advocate appearing on behalf of the respondents, based on the written instructions received from the fourth respondent, submitted that during UDR, RS No.336/1 was entered as Arasu Poramboke temple and RS No.336/7 was entered as Arasu Punjai. Subsequently, for this property, patta was also granted in favour of one M.Rajendran through proceedings dated 06.07.1986.

6. The petitioner claims that he continues to be in possession and enjoyment of both RS No.336/1 and RS No.336/7, whereas the written



WP(MD)No.1083 of 2021

instructions received from the fourth respondent shows as if the said Rajendran is in possession and enjoyment of RS No.336/7.

7. Taking into consideration the facts and circumstances of the case and the materials available on record, it is seen that the petitioner is tracing his right from the partition deed that was executed on 04.05.1951. The subject properties in RS No.336/1 and RS No.336/7 have been shown as II item to the C-Schedule in the partition deed. However, during UDR, some entry has been made and obviously, the petitioner has not been put on notice and he has not been called for any enquiry. Hence, the grievance expressed by the petitioner has to be redressed. If ultimately, entries made in the revenue records are incorrect and have to be rectified, the petitioner will be entitled for the issuance of patta in his name with respect to the subject properties.

8. In light of the above discussion, there shall be a direction to the petitioner to submit a fresh representation to the second respondent namely, the District Revenue Officer, Sivagangai, with all relevant documents. On receipt of such representation, the second respondent shall issue notice both to the petitioner as well as Rajendran, who has been granted patta with respect to property in RS No.336/7 and an enquiry shall be conducted. The second



WP(MD)No.1083 of 2021

respondent shall pass final orders on its own merits and in accordance with law within a period of three months from the receipt of representation from the petitioner. While making representation, the petitioner shall also annex a copy of this order.

9. This writ petition is disposed with the above directions. No costs.

10.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:-

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Sivagangai.
- 3.The Revenue Divisional Officer,
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- 4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai.



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WP(MD)No.1083 of 2021

N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.1083 of 2021

Dated:
10.10.2023