



W.P(MD)No.1558 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.1558 of 2022

Saroja

... Petitioner

Vs

- 1.The District Collector,
Karur District.
- 2.The District Revenue Officer,
Collectorate, Karur District.
- 3.The Revenue Divisional Officer,
Revenue Division Ofice, Kulithalai
Karur District.
- 4.The Tahsildar,
Kulithalai Taluk, Karur District.
- 5.The Village Administrative Officer,
Maruthur North (II) Village,
Kulithalai Karur District.
- 6.The Taluk Head Surveyor,
Kulithalai Taluk, Karur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to consider the petitioner's representation, dated 05.01.2022 given for rectifying the mistake crept in the land records, with regard to petitioner's lands comprised on S.F.No.312/3 (New SF No.109/9) at Maruthur Village in Kulithalai Taluk at Karur District and to issue Patta within the period that may be stipulated by this Court.

For Petitioner	:Mr.V.Vishnu
For R1 to R6	:Mr.D.S.Nedunchezian Government Advocate

ORDER

The Writ Petition has been filed in the nature of mandamus, seeking a direction against the fourth respondent/Tahsildar, Kuzhithalai Taluk, Karur District to consider the representation, dated 05.01.2022 and to rectify the alleged mistake in the land records, relating to the lands of petitioner in S.F.No.312/3(New S.F.No.109/9) at Maruthur Village in Kuzhithalai Taluk, Karur District and also to issue patta.

2.In the affidavit filed in support of the writ petition, it has been stated that the petitioner had been living at 4/9, Arijana Street, Mettumaruthur,



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Kuzhithalai Taluk, Karur District from the year 1979. It had been stated that as per Housing site Assignment Scheme, the land was assigned to her father-in-law, *admeasuring* 3 cents in S.F.No.312/3 at Maruthur Village in Kulithalai Taluk at Karur District. It had been stated that the petitioner was living there even after the death of her husband. During UDR updation, the lands were resurveyed and recorded as 1 ½ cents, instead of 3 cents and as such, there is a shortage of 1 ½ cents. Therefore, the petitioner has given an application for rectification.

3.In the counter affidavit, it has been stated that the neighbour, one Thulasiyammal had filed a suit in O.S.No.104 of 2004, before the District Munsif Court, Kulithalai, which was dismissed. As against the said dismissal Thulasiyammal had preferred an appeal in A.S.No.8 of 2017, which is pending.

4.It is stated that S.No.312/3 was sub divided as S.No.909. S.No. 909/2 of Maruthur North-II Village, Kulithalai Taluk is a water channel. It is used to discharge excess water during rainy season. The petitioner had constructed a house in Patta No.909/2, on a water channel. It is also stated



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that the petitioner is not a shelterless person and not a landless poor. One of of her son is working as a Constable in the Police Department. The petitioner or her husband had not constructed any house in the lands for which patta was granted to them. They have not adhered to the conditions mentioned for grant of patta.

5.The petitioner had come before this Court, suppressing the fact of filing the suit, the filing of first appeal, the construction of house in the water channel and the fact that her son was employed as Police Constable. The relief sought for by the petitioner cannot be granted by this Court, since she had constructed a house in the water channel.

6.Accordingly, this Writ Petition stands dismissed. No costs.

13.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM



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C.V.KARTHIKEYAN,J.

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