



**W.P(MD)No.8057 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD)No.8057 of 2023**

Bipin K.Sheth

... Petitioner

Vs

1. The District Collector,  
Dindigul District.
2. The District Revenue Officer,  
Dindigul District, Dindigul.
3. The Sub Divisional Magistrate Cum  
Revenue Divisional Officer,  
Kodaikanal, Dindigul District.
4. The Head Surveyor,  
O/o. Tahsildar, Kodaikanal,  
Dindigul District.
5. The Assistant Director,  
Survey and Settlement,  
O/o. District Collector, Dindigul.

... Respondents



**W.P(MD)No.8057 of 2023**

**PRAYER :** Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1, 2, 4 and 5 to act and aid in terms of the proceedings of third respondent, dated 31.10.2022 and in terms of the circular, dated 31.03.2022 issued by the Director of Survey and Settlement, Chennai to enable the third respondent to restore the patta in favour of the petitioner in respect of the property to an extent of 1.86.0 Hectares (4.60 acres) comprised in Town Survey no. 55/3A, Ward C, Block no.2, Vilpatti Village, Kodaikanal Taluk, Dindigul District within a time frame fixed by this Court.

For Petitioner : Ms. Prabahari.G

For Respondents : Mr.D.S.Nedunchezian  
Government Advocate

### **ORDER**

The Writ Petition has been filed in the nature of a mandamus seeking a direction against the respondents 1, 2, 4 and 5 to act and aid in terms of the proceedings of the third respondent, dated 31.10.2022 and in terms of the circular, dated 31.03.2022 issued by the Director of Survey and Settlement, Chennai to enable the third respondent to restore the patta in favour of the petitioner, relating to property measuring 1.86.0 Hectares (4.60 acres) comprised in Town Survey no. 55/3A, Ward C, Block no.2, Vilpatti Village, Kodaikanal Taluk, Dindigul District.



**W.P(MD)No.8057 of 2023**

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2.In the affidavit filed in support of the writ petition, it had been stated that the third respondent, after conducting due enquiry had passed a recommendation for issuance of patta and also to remove the online recording of 'blocked' records with respect to aforementioned property. Earlier the petitioner had filed W.P.(MD)No.19790 of 2021 and this Court had disposed of the writ petition by order, dated 05.09.2022. Subsequently, enquiry was conducted by the third respondent who recommended that patta can be issued and the entry of 'blocked' can be removed from the online record. Complaining that though order was passed and recommended by the third respondent, no action has been taken present writ petition is filed.

3.A counter affidavit has been filed on behalf of the respondents by the Revenue Divisional Officer, Kodaikanal, wherein, it had been stated in paragraph no.8 as follows:

*“8.With regard to the averment of the Petitioner in paragraph 5, the affidavit, that the 3rd Respondent had recommended for issuance, patta, by removing the entry viz., "Blocked" from the online records in respect of the subject property, it is submitted as below:*



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**W.P(MD)No.8057 of 2023**

(i) *I submit that, on considering the communication dated 31.10.2022 of the 3rd Respondent / Revenue Divisional Officer, and on perusing the entire records, the 2<sup>nd</sup> Respondent / the District Revenue Officer, Dindigul District, Dindigul, has given instructions to the Revenue Divisional Officer, Kodakanal, to reconsider the issue in a proper perspective. Accordingly, the entries made in the Revenue records before UDR and after UDR, in respect of the land in Old Survey No. 815, Ward "C" Block 2, T.S.No.55/3, have been perused. The Sub-Registrar, Kodaikanal has also given certain details in his Letter Na.Ka.No. 143/2023, dated 19.05.2023. It is seen from the records, that prior to UDR, in respect of Old Survey No. 815, only four documents viz., 225/1956, 267/1957 Nil/1959 and 198/1963 have been registered, in which neither the name of the Writ Petitioner nor the name of his vendor, has found place. It was only after UDR, based on forged documents, patta has been obtained by proceedings of the Revenue Divisional Officer, dated 09.10.1992, based on which, the subject property has been sold to the Writ Petitioner under Doc. No. 827/1995, by one Sethu son of Gandhi.*

(ii) *I submit that from the perusal of the 'Adangal entries' in respect of Old S.No. 815, Vilpatti Village, the name of the Writ Petitioner or the name of his alleged Vendor Sethu, has not been taken place. However, a perusal of the copy of 1386 fasli Adangal, would show that patta No. 454 has been issued to one C.S. Ramanathan, in respect of the land to an extent of 5.00 acres in Old survey No. 815. During enquiry, the Writ Petitioner had not submitted any document relating to the subject property, prior to UDR, to substantiate his claim that his Vendor has clear title over the subject property.*

(iii) *I submit that before the entire enquiry proceeding was*



**W.P(MD)No.8057 of 2023**

*over, in pursuance of the order of this Honble Court, in the earlier round of litigation in W.P. (MD) No. 19790 of 2021, dated 05.01.2022, the Petitioner had filed the present writ petition in W.P (MD) No. 8057 of 2023, based upon the letter sent by the 3rd Respondent herein to the 2na Respondent, seeking for a Mandamus, to restore patta in his favour in respect of the above land.*

4.It is contended that after the UDR, based on forged document, the vendor of the petitioner had obtained patta by proceedings of the Revenue Divisional Officer on 09.10.2022. The same is now brought to the notice of this Court.

5.In view of the above contention, naturally a mandamus cannot be issued by this Court, as sought for by the petitioner. Rather a mandamus is issued directing necessary enquiry to be conducted.

6.A direction is therefore issued to examine the entire records by the second respondent/District Revenue Officer, Dindigul, and thereafter, following due procedure, pass fresh orders. The order of third respondent can be kept in abeyance. It could not be the base for passing of any order. It can be revived, if allegations of fraud are found



**W.P(MD)No.8057 of 2023**

to have no basics. If fraud had been committed, then the aforementioned proceedings of the third respondent would be automatically set aside.

7.Since mandamus cannot be issued, this writ petition stands dismissed. No costs.

**21.06.2023**

Index :Yes/No  
Internet :Yes/No  
NCC : Yes / No  
PNM

To

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**W.P(MD)No.8057 of 2023**

**C.V.KARTHIKEYAN, J.**

PNM

ORDER IN  
**W.P(MD)No.8057 of 2023**

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