



W.P.(MD)No.9910 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9910 of 2021

Sailanathan

... Petitioner

Vs

1.The District Revenue Officer,
District Revenue Office, Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.

3.The Tahsildar,
Sathankulam Taluk,
Thoothukudi District.

4.Durairaj

5.Saroja

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to change the patta in the petitioner's name in respect of the properties situated in S.Nos.82/1B2 and 82/1B3, Naduvankurichi Village, Santhankulam Taluk, Thoothukudi District in the light of the decree passed in O.S. No. 401/ 2013, dated 30.06.2014, on the file of the learned Sub Judge, Thoothukudi.



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For Petitioner : Mr.R.Maheswaran

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 for the issue of writ of mandamus directing the third respondent to change the patta in the name of the petitioner with respect to the subject properties in the light of Judgment and Decree passed in O.S.No.401/2013, dated 30.06.2014, by the learned Sub Judge, Thoothukudi.

2. The case of the petitioner is that the impleaded fourth and fifth respondents were claiming a right over the subject property and hence, the petitioner had filed a suit in O.S.No.401/2013 on the file of the Sub Court, Thoothukudi, for the relief of declaration and permanent injunction. This suit was decreed by Judgment and Decree dated 30.06.2014. Thereafter, the petitioner made an application before the third respondent for change of patta in the name of the petitioner by taking note of the Decree passed by the Civil Court. Since the same was not acted upon, the present writ petition has been filed before this Court.



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3. The third respondent has filed a counter affidavit. The

relevant portion in the counter affidavit is extracted hereunder:

“4. It is respectfully submitted that in view of the decree obtained by the Petitioner herein establishing his title over the property, it is inevitable the Revenue machinery should also effect necessary changes in the revenue records. But insofar as the Revenue records are concerned, in the A register culled out on the completion of the settlement under Updating Registry, an 0.40.5 hectares of land comprising in S.No. 82/182 Naduvakurichi Village stood registered in the name of one M.Singarasu and an extent of 0.44.0 hectares of land comprising in S.No. 82/1B3 registered in the name of the said M.Singarasu under Patta No. 394. In the recent computer chitta in respect of S.No. 82/1B2, the names of (1) Durairaj, s/o Singaraj, the ajar pattadar; (2) Saroja, W/o Siluvai; (3) John D. Britto, s/o Maria Gana Pokkisa Nadar; (4) Packinj, s/o Philips Alex; (5) Saral, W/ Packiaraj; (6) Thilagarani, w/o Chandrasekar, (7) Indirani, W/o Rajaya; (8) Tirunavukarasu, S/o Dharumaya; and (9) Anthony Ammal, W/o Edward under patta No. 2886 was found.



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Inasmuch as the name of the mother of the Petitioner was not found in the settlement under Updating Registry, the only remedy available to the Petitioner herein to approach the District Revenue Officer, Thoothukudi the competent officer to make correction in the updating settlement record to enable the 3rd Respondent to transfer patta in his name in terms of G.O.M.S.No.385, Revenue (General I) Department dated 17.08.2004. In the instructions issued by the Director of Survey and Settlement in D.O.RoC.12/6613/2017, dated 13.02.2020 it has been clearly stated that the District Revenue Officers alone are competent to issue orders correcting errors inadvertently crept into records at the time of settlement under Updating Registry. Hence, the petitioner was directed to approach the District Revenue Officer, Thoothukudi, vide Roc.A3/3753/2020, dated 01.03.2021. The Village Administrative Officer, Naduvakurichi Village has also stated that Tmt.Saroja has also filed IA petitions in I.A.Nos.562 and 563 of 2017 and the same is pending on the file of the learned Sub Court, Tiruchendur.



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4. Heard the learned counsel on either side.

5. It is clear from the counter affidavit filed by the third respondent that during the Updating Registry (UDR), some errors have crept in the revenue records and as a result, insofar as Survey No.82/1B2, the names of nearly nine persons have been entered in Patta No.2886. Insofar as Survey No.82/1B3, the names of eight persons have been entered in the revenue records in Patta No.2886. Among the names entered, the names of the fourth and fifth respondents are also found. A specific stand has been taken by the third respondent that this had happened during the UDR and therefore, only the District Revenue Officer can make necessary changes by correcting the error.

6. In the light of the above stand taken by the third respondent, the relief as sought for by the petitioner cannot be granted by this Court. Therefore, there shall be a direction to the petitioner to make an application before the first respondent and seek for correcting the mistakes that had crept in during the UDR with respect to Survey Nos. 82/1B2 and 82/1B3. Insofar as the fourth and fifth respondents are



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concerned, it is left open to the petitioner to rely upon the Civil Court Decree that was passed. On receipt of the application, the first respondent shall issue notice to all the interested parties and conduct an enquiry and pass final orders. This process shall be completed by the first respondent within a period of four (4) months from the date of receipt of the representation / application from the petitioner. Depending upon the order passed by the District Revenue Officer, the petitioner can follow it up by seeking for patta in his name with respect to the subject properties. The petitioner while making the representation / application shall also annex all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

10.11.2023

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

To
1.The District Revenue Officer,
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Thoothukudi District.



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N.ANAND VENKATESH, J.

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