



W.P.(MD)No.11382 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.05.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.11382 of 2023

and

W.M.P.(MD)No.9881 of 2023

Kallanai

... Petitioner

Vs.

1.The District Revenue Officer /
The Additional District Magistrate,
Madurai District, Madurai.

2.Manivelu Ammal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the 1st respondent in Ni.Mu.No.47214/2020/G5 dated 23.03.2023 and quash the same as illegal and to direct the 1st respondent to restore the patta in petitioner's son's favour.



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For Petitioner : Mr.R.Balamuruganantham
For R1 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent in Ni.Mu.No.47214/2020/G5 dated 23.03.2023 and seeking for a direction to the first respondent to restore the patta in favour of the petitioner's son.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a bonafide purchaser of the property in S.No.113/1C of Vandiyur 1 bit Village, Madurai North, Madurai District through a registered sale deed dated 03.08.2006 on the file of the Sub Registrar, Theppakulam, Madurai District, from one V.Ramalingam. The second respondent is the adjacent land owner. Prior to purchase of the aforesaid land, the petitioner is in possession of the land as a cultivating tenant and he continued to be in possession and used to cultivate even after the



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purchase. The petitioner thereafter executed the partition deed in favour of his sons. While so, the second respondent, who is the adjacent owner, made an application before the first respondent for rectification of the error occurred under the UDR survey. Instead of considering the same, the first respondent cancelled the patta issued in favour of the petitioner's son, even without issuing notice. Challenging the same, this writ petition has been filed.

3. The learned Special Government Pleader appearing for the first respondents would submit that an application has been made by the second respondent before the first respondent for rectification of the error occurred under the UDR survey. However, the first respondent cancelled patta issued in favour of the petitioner's son, which is unsustainable one and hence, this Court may set aside the order of the first respondent and remand the matter back to the first respondent for fresh consideration.

4. This Court perused the impugned order and a perusal of the impugned order reveals that the the second respondent, who is the



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adjacent owner, made an application before the first respondent for rectification of the error occurred under the UDR survey. Instead of considering the same, cancelling the patta issued in favour of the petitioner's son is unsustainable one. Since no adverse order is going to be passed against the second respondent, notice to the second respondent is dispensed with.

5. In view of the above, it is clear that the impugned order is unsustainable in law and therefore, the impugned order dated 23.03.2023 passed by the first respondent is set aside and the matter is remanded back to the first respondent for fresh consideration and the first respondent is directed to pass appropriate orders on merits in terms of GO relates to rectification of error in UDR survey and in accordance with law, after affording an opportunity to the petitioner and the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order. However, liberty is also given to the petitioner to approach the civil Court for getting appropriate remedy.



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6. With the above direction, this Writ Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

04.05.2023

NCC: Yes / No
Index: Yes / No
Sm/Ssb

To

1.The District Revenue Officer /
The Additional District Magistrate,
Madurai District, Madurai.



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M.DHANDAPANI,J.

Sm/Ssb

Order made in
W.P.(MD)No.11382 of 2023

Dated:
04.05.2023