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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18038 of 2021

Moorthy

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

4.Prabu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 2 and 3 to cancel the patta bearing Nos. 660 & 1041 in respect of Survey No.147/5A to an extent of 0.23.50 ares situated at S.Mathoor Village, Singampunari Taluk, Sivagangai



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District and to issue patta based on the petitioner's representation dated 02.08.2021 and 24.09.2021.

For Petitioner : Mr.P.R.Boomee Rajan
For R-1 to R-3 : Mr.A.K.Manikkam,
Additional Government Pleader
For R-4 : Mr.P.Aju Tagore

ORDER

This writ petition has been filed for Mandamus directing the respondents to cancel the Patta granted in the name of 4th respondent.

2. The petitioner is tracing his title based on SLR Patta No.559 for Survey No.147/5 to an extent of 61 cents wherein in the said SLR Patta No.559 the petitioner's grandfather, namely Tho.Alagappan name had been entered.

3. It is seen from the order passed by the District Revenue Officer dated, 23.11.2022, the 4th respondent is claiming right over the property through the UDR Patta which was issued in the year 1986. The District Revenue Officer



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cannot rely on the UDR Patta since there are several flaws while issuing UDR Patta.

4. Therefore, the respondents are directed to enter the name of the original owner Tho.Alagappan.

5. In the meanwhile, the parties are directed to file a suit before the Civil Court to establish their rights. The Civil Court shall independently assess the evidence of both the parties and shall come to an independent conclusion uninfluenced of this order passed by this Court.

6. With this direction, this Writ Petition is allowed. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Ksa

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