



W.P(MD)No.19198 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19198 of 2014 and
MP(MD) No.1 of 2014

C.Jeyaram

...Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Tahsildar,
Virudhunagar,
Virudhunagar District.

4.P.Subburaj

5.Karuppasamy

6.Velusamy

7.Samuthiram

8.Marichamy

9.Chellathai

10.M.Senthaiselvi

11.A.Narayanasamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified



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Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Ni.Mu.P2/6453/13, dated 31.10.2014 quash the same and direct the third respondent to issue joint patta to the legal heirs of Perumal, S/o Perumal in respect of the landed property bearing Survey No.40 measuring 2 acres 42 cents situated in Inam Kasi Reddipatti Village, Virudhunagar Taluk, Virudhunagar District, within the time stipulated by this Court.

For Petitioners	: Mr.M.Saravanan
For R1 to R3	: Mr.S.Shaji Bino Special Government Pleader
For R4 to R9	: Mr.P.Athimoolapandian
For R10 & R11	: No appearance

ORDER

The petitioner has approached the first respondent / the District Revenue Officer, Virudhunagar to correct the mistake crept in the revenue records during UDR survey in S.No.40 of Inam Kasi Reddipatti Village, Virudhunagar District.

2.According to the learned Counsel for the petitioner, the property in S.No.40 originally belongs to one Lakshmi Ammal, W/o.Venkitta Reddiar, which is evident from document No. 667/1939, dated 29.05.1939. This petitioner's grandfather one



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Perumal S/o.Perumal has purchased the property through a registered document No.270/1944. However during UDR survey, the name Perumal S/o.Panchan has been wrongly entered in the revenue records and therefore, to correct this mistake the petitioner has approached the District Revenue Officer, Virudhunagar, who in turn has also called for a report from the Tahsildar concerned. The Tahsildar, the Revenue Divisional Officer and the Assistant Director of Land Survey concerned by their respective reports dated 30.07.2012, 31.01.2013 and 29.04.2013 recommended to correct the mistake crept in the revenue records in respect of S.No.40 during the UDR survey. Without considering the above recommendations, the District Revenue Officer, Virudhunagar has passed the impugned order and therefore, it needs to be interfered with.

3.The learned Special Government Pleader appearing for respondents 1 to 3 by referring the counter affidavit submits that the settlement has taken place in the year 1959 and the land in S.No.40 measuring to an extent of 0.98.0 hectares of Inam Kasi



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Reddipatti Village, Virudhunagar District was recorded in the name of Perumal S/o. Panchan, in whose name, patta was also granted in the year 1959 in patta No.254. The petitioner has not produced any documentary evidence [kist receipt] to prove that the suit property was under his possession and enjoyment.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner claims title over the property that the petitioner's father has purchased the property from one Lakshiammal by a registered document, dated 21.01.1944 and their vendor Lakshmiammal has purchased the property by a registered document 667/1939, dated 26.05.1939. These documents have not been considered by the District Revenue Officer that the patta was not changed in the name of the petitioner during survey settlement in the year 1959. It appears that there is some confusion in the name of the parties. Considering the issue involved in this writ petition, this



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Court is not inclined to decide the issue with regard to the right of the property.

6. In view of the above, this writ petition is disposed of with a liberty to the parties to approach the appropriate Civil Court by filing a civil suit. On such filing of the suit, the concerned Civil Court is directed to decide the issue as expeditiously as possible, considering that this litigation is pending from the year 2014. The patta issued by the District Revenue officer, Virudhunagar during UDR Survey shall kept under abeyance till the disposal of the suit. The parties shall not make any alienation with respect to the subject property, till the disposal of the suit. No Costs. Consequently, connected Miscellaneous Petition is closed.

06.04.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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