



W.P(MD)No.11778 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11778 of 2015

R.Duraisamy

... Petitioner

Vs.

**1.The District Collector,
Trichy.**

**2.The Revenue Divisional Officer,
Musiri,
Trichy District.**

**3.The Tahsildar,
Taluk Office,
Turaiyur Taluk,
Trichy District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to restore the petitioner's earlier patta No.727 with the total extent of 1.13.5 hectares by cancelling the subsequent patta No.825 with an extent of 0.91.5 hecatres for the land situated in S.No.56/1B at Vengadathanoor Village, Trichy District by considering the petitioner's representation dated 17.02.2014.



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For Petitioner : Mr.N.Mohan

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that in the revenue record, the extent of their entitlement was originally mentioned as 2 acres and 79 cents. However, it was arbitrarily reduced to 2 acres and 24 cents. Seeking restoration of the original position, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Additional Government Pleader, on instruction, submitted that the original survey No was 56/1. It measured an extent of 2 acre 79 cents. The revenue records contained the names of two persons namely Periyannapillai & C.Subbiah. Periyannapillai had one son by name Sadasivam. Sadasivam had wife Mariyayee and son by name



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Jeyaseelan. The petitioner herein purchased the property from Mariyayee and Jeyaseelan vide registered sale deed dated 21.06.2006.

The stand of the respondents is that when the revenue records were updated, by mistake it was mentioned that Sadasivam s/o.Periyannapillai was having 2.79 cents; as if the entire Survey No. 56/1 was belonging to Sadasivam. Since this patta was in existence for quite some time, Mariyayee and Jeyaseelan also purported to convey the entire 2 acres and 79 cents in favour of the petitioner. When the legal heirs of Subbiah pointed out that their holding to the extent of 54 cents had been obliterated, appropriate corrections were made in the revenue record and that is why, revised patta was issued to the petitioner indicating his entitlement as 2 acres and 24 cents.

4. The statement of the Additional Government Pleader thus make perfect logical sense. But there is only one difficulty. This exercise should have been undertaken in the presence of the writ petitioner. In other words, in the enquiry, the petitioner as well as legal heirs of Subbiah should have been present and all the records placed on the table. If there was any mistake, the petitioner would



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have had an opportunity to bring it to the notice of the authority.

Therefore, I dispose of the writ petition in the following terms:-

(I) The third respondent shall issue notice to the writ petitioner as well as the legal heirs of Thiru.C.Subbiah who is shown as joint pattadhar in respect of Survey No.56/1 in the “A register”.

(II) Both the parties shall be permitted to place all the materials in respect of the contentions before the Tahsildar. The Tahsildar will pass a speaking order after considering the contentions of both the parties.

(III) The entire exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner's right to seek restoration of the earlier position will abide by the outcome of the said exercise. I have made only tentative observation in this order and I have not gone into the merits of the matter. No costs.

28.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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