



W.P(MD)No.2123 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2123 of 2015

and

M.P(MD)No.1 of 2015

M.Abraham

... Petitioner

Vs

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

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

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

4.S.Chinnappan

5.M.Manoj Prabhakaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in Na.Ka.No.B4/20731/2014



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dated 16.09.2014 quash the same and further directing respondents 1 to 3 to issue patta to the petitioner in respect of the properties in Sy.No.47/9, Monganmai Group, Sivagangai Taluk and Sivagangai District.

For Petitioner : Mr.K.Mohamed Haneef

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 to R.3

Mr.R.Suriyanarayanan for R.4 & R.5

ORDER

The case of the petitioner is as follows:

One Muthaiah owned the petition mentioned property. He had two sons, namely, Maria Michael and Iruthayam. The petitioner is the son of Maria Michael. The fourth respondent herein is the grandson of Iruthayam born through the other son Savarimuthu. During UDR, the petition mentioned property was erroneously entered in the name of Iruthayam. Since UDR error can be corrected at any point of time, the petitioner approached the first respondent. Since the first respondent negated the request by passing the impugned order dated 16.09.2014, the present writ petition came to be filed.

2. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and



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called upon this Court to set aside the impugned order and grant relief as prayed for.

3. The learned Special Government Pleader appearing for the official respondents as well as the learned counsel appearing for the private respondents submitted that the first respondent has given strong and convincing reasons for rejecting the petitioner's request and that therefore the impugned order does not warrant interference. They pressed for dismissal of the writ petition.

4. I carefully considered the rival contentions and went through the materials on record.

5. The specific stand of the revenue authorities is that while there is no dispute that the petitioner's father and the fourth respondent's grandfather are siblings, during UDR, there has been a kind of family arrangement and partition between the two. It is specifically asserted by the first respondent in the impugned order that a perusal of the encumbrance certificate would show that the petitioner had also sold the properties that originally stood in the name of Muthaiah. More than anything else, mutation in the UDR had taken back several years ago. The fourth respondent / S.Chinnappan had sold the



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properties in favour of the fifth respondent on 13.06.2013 and the fifth respondent had in turn promoted the property by forming a layout. The petitioner submitted his application before the District Revenue Officer, Sivagangai only on 05.09.2013. It is for this reason, the first respondent declined to interfere in the matter.

6. The approach adopted by the first respondent is just and fair. The petitioner has to necessarily move the jurisdictional civil Court. The rights of the petitioner as well as the defenses of the respondents 4 and 5 are left open. The time spent in prosecuting the writ petition shall be excluded.

7. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.



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2.The Revenue Divisional Officer,
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G.R.SWAMINATHAN, J.

MGA

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