



W.P.(MD)No.3696 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.3696 of 2016
W.M.P(MD).No.3326 of 2016

Balasubramanian

... Petitioner

Vs.

1.The District Revenue Officer,
Pudukkottai District.

2.The Tahsildar,
Kandhavarkottai Taluk,
Pudukkottai District.

3.Ashokan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the impugned order passed by the first respondent in his proceedings in Na.Ka.D3/41233/2008 dated 25.11.2014 in respect of S.No.224/3 situate in Kovilur Village, Kandharvakottai Taluk, Pudukkottai District and quash the same as illegal.



W.P.(MD)No.3696 of 2016

For Petitioner :Mr.R.Paranjothi
For Respondents :Mr.M.Sarangan
Additional Government Pleader
for R1 and R2
Ms.N.Vinitha for
M/s.Veera Associates
for R3.

ORDER

The petitioner assails an order of the District Revenue Officer dated 25.11.2014 in respect of the land bearing Survey No.224/3, situated in Kovilur Village, Kandharvakottai Taluk, Pudukkottai District.

2. The petitioner states that the lands in Survey Nos.224/3, 224/6B and 224/6K are ancestral properties of the petitioner's grand mother, namely, Parvathy. Upon the death of the petitioner's mother, Renganayaki, on 20.10.2010, it is stated that the petitioner inherited the land. The petitioner further states that patta was issued in favour of the petitioner's grand mother under patta No.456. Since such patta was rectified, the petitioner has assailed the impugned order on the ground that the patta transfer order has been issued after 30 years. The petitioner further states



W.P.(MD)No.3696 of 2016

that reasonable opportunity was not provided before the impugned order was issued.

3. Learned counsel appearing for the petitioner relies upon the Certificate issued on 19.01.1991 by the Village Administrative Officer, Kandharvakottai Taluk, to contend that a patta was issued in the name of the petitioner's grand mother in relation to the relevant property. Learned counsel further contends that the impugned order is liable to be set aside because it has unsettled the position that prevailed for about 30 years.

4. Learned Additional Government Pleader refutes these contentions by drawing reference to the impugned order. He states that the impugned order was issued after providing reasonable opportunity to the petitioner. The District Revenue Officer examined the records during the pre-UDR period and discovered that the property was settled in favour of the third respondent by one Somasundaram. During the UDR phase, a discrepancy had crept in and by virtue thereof, the name of the petitioner's grand mother was wrongly recorded. Learned Additional Government



W.P.(MD)No.3696 of 2016

WEB COPY

Pleader further submits that the petitioner had alleged that the counsel who had appeared before the District Revenue Officer was not duly authorized. In such circumstances, a second opportunity was also provided to the petitioner.

5. Upon examining the impugned order, I find that the District Revenue Officer has carefully considered the relevant records such as the Settlement Register and the UDR records. Upon such scrutiny, it was concluded that the entry relating to the land bearing Survey No.224/3 was effected wrongly in the UDR Register. In particular, the District Revenue Officer took into account that the settlement register reflected the names of K.Sabapathy Pandaram and A.Ayesha Beevi as the pattathars of Survey No.224/3 and that Ayesha Beevi and two others executed an invalid conveyance in favour of Venkatachalam, husband of Parvathy. Her name was recorded in the UDR on that basis. After also taking note of the decree in O.S.No.26 of 1959, wherein Ayesha Beevi agreed that Somasundaram, the father of the petitioner, may take the entire property, the impugned order was issued. The petitioner did not file any documents. I find no infirmity in



W.P.(MD)No.3696 of 2016

the said order warranting interference in exercise of writ jurisdiction.

Consequently, W.P(MD).No.3696 of 2016 is dismissed without any order as to costs. Connected miscellaneous petition is closed.

23.03.2023

NCC :No
Internet :Yes
Index :No
ssb

To

- 1.The District Revenue Officer,
Pudukkottai District.
- 2.The Tahsildar,
Kandhavarkottai Taluk,
Pudukkottai District.



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W.P.(MD)No.3696 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

ssb

W.P.(MD)No.3696 of 2016

23.03.2023