



WP(MD)No.4076 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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1.Sethu Ramasamy

2.Solai Samy

... Petitioners

v.

1.The District Collector,
Tuticorin,
Tuticorin District.

2.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Tuticorin District.

3.Rajammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to issue separate patta in the name of the petitioners by deleting the name of the third respondent in R.S.nos.52/2, 52/3 of Kumarasithanpatti Village,



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Vilathikulam Taluka, Tuticorin District, to an extent of 0.36.85 Hec. or 91 cents and 1/3 share in the Will and 0.35.0 Hec. or 87 cents and 1/3 share in the Will in respective survey numbers based on petitioner's representation dated 12.06.2014.

For Petitioners : Mr.M.Kubendiran

For Respondents : Mr.T.Vilavan Kothai,
Additional Government Pleader
for R.1, R.2

No appearance for R.3

ORDER

This writ petition is filed for a mandamus directing the second respondent to issue separate patta in the name of the petitioners by deleting the name of the third respondent.

2.The case of the petitioners is that they are the sons of one Alagarsamy Naicker. After the demise of the said Alagarsamy Naicker, a partition deed was registered before the Sub Registrar Office, Pudur, Vilathikulam Taluk, Thoothukudi, based on which, the second and third schedule properties in the



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subject survey numbers were allotted to the petitioners. However, the revenue authorities have transferred patta in the name of the third respondent, as if she was in possession of the properties.

3.The second respondent has filed a counter affidavit that the properties in S.No.52/2 to an extent of 0.73.5 Ares and S.No.52/3 to an extent of 0.35.0 Ares are the petitioners' family properties. These properties and some other properties have been partitioned and the property in S.No.52/2 was allotted to the petitioners and one Ramasamy Naicker, who is the husband of the third respondent. The properties in S.Nos.52/2 & 52/3 are now possessed by the third respondent herein.

4.This Court paid it's anxious consideration to the submissions made by the respective parties.

5.The petitioners claim rights based on a registered partition deed in Doc.No.1564/72, dated 23.12.1972. However, the patta appears to be standing in the name of the third respondent. For any wrong entries made



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during the UDR scheme, the authority to rectify the same is the District Revenue Officer concerned. Therefore, this writ petition stands disposed of, with liberty to the petitioners to approach the District Revenue Officer, Tuticorin, with a fresh representation along with documents, within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made, the District Revenue Officer shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioners, the third respondent and other interested parties, if any, within a further period of six months thereafter. There shall be no order as to costs.

Index : Yes / No

21.02.2023

Internet : Yes / No

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Note:

Mark a copy of this order to
The District Revenue Officer,
Tuticorin.

To

1. The District Collector,
Tuticorin,
Tuticorin District.

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2. The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Tuticorin District.



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B.PUGALENDHI, J.

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