



W.P(MD)No.24259 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24259 of 2023

and

W.M.P.(MD)No.20433 of 2023

Muralidharan

... Petitioner

Vs.

1.The District Revenue Officer,
Tuticorin District, Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti, Tuticorin District.

3.The Tahsildar,
Kayathar,
Tuticorin District.

4.Samy Dass

5.Arumai Raj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the



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1st respondent in Na.Ka.No.D6/19469/2022 dated 26.07.2023 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents No.1 to 3 to issue the Joint Patta to the petitioner in respect of the Survey Nos.102/3, 104/8, 106/1, 107/1, 108/1, 108/2, 135/3 and 136/3 comprised in patta No.1051 situated at Melaparaipatti Village, Kayathar Taluk, Thoothukudi District and restore the same.

For Petitioner : Mr.M.Sridharan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3.

2.The case of the petitioner is that before UDR, the revenue record in respect of the petition mentioned property reflected the name of his grandfather. But during UDR, the name of Sarvodaya Panchayat got incorporated. If according to the petitioner, it was an UDR mistake, the mistake could have been rectified only by the District Revenue Officer.



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The petitioner managed to obtain patta from the jurisdictional Tahsildar.

The grant of patta by the Tahsildar was clearly illegal. That is why, the impugned order came to be passed. Of course, the impugned order is also on merits. Inasmuch as, the petitioner is very much having remedy for correction of an UDR entry, even while sustaining the impugned order, I grant liberty to the petitioner to move the District Revenue Officer by filing a fresh petition. The petitioner has to enclose the legal heir certificate to show that he is the grandson of Laxmanan, S/o.Perumal whose name found place in the revenue record prior to UDR. If such materials are enclosed, the first respondent will hear the matter once again. Of course notice will have to be issued to the respondents 4 and 5 before passing any final order.

3.With this liberty to the petitioner, this writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

06.10.2023

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

ias

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