



WEB COPY

W.P.No.5394 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5394 of 2024

Munusamy

... Petitioner

Vs.

- 1.The District Collector,
Salem,
Salem District.
- 2.The Revenue Divisional Officer,
Mettur Taluk,
Salem,
Salem District.
- 3.The Tahsildar,
Kadayampatti Taluk,
Salem,
Salem District.
- 4.The Revenue Inspector,
Semmandapatti Firka,
Kadayampatti Taluk,
Salem District.
- 5.The Village Administrative Officer,
Kongupatti South Village,
Kadayampatti Taluk,
Salem District.



6.Ammasai

7.Palanisamy

8.Palaniammal

9.Srirangammal

10.Mariyammal

11.Marimuthu

12.Poongodi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent 2 and 3 to consider the petitioner's representation dated 15.09.2023 to include the legal heirs of the deceased Palaniyappa Gounder and his wife Palaniyammal in Patta No.369.

For Petitioner : Mr.K.Prabhakaran

For R1 to R5 : Mr.U.Baranidharan
Additional Government Pleader

For R6 : Mr.M.R.Elavarasan



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ORDER

The Writ of Mandamus has been instituted to direct the respondents 2 and 3 to consider the petitioner's representation dated 15.09.2023 to include the legal heirs of the deceased Palaniyappa Gounder and his wife Palaniammal in Patta No.369.

2. With reference to the relief, it is the Updating Registry's Scheme (UDR) Patta, wherein inclusions are sought for. The official respondents filed a counter stating that during the period of Updating Registry's Scheme (UDR) the subject land was mentioned as Patta No.369 in the name of one Chinnappa Gounder son of Palani Gounder. After that the names of Ammasai, Palanisamy, Palaniyammal, Seerangammal, Mariyammal, Poongudi, Marimuthu were included by patta transfer in the new Patta No.2725 after the death of Chinnappa Gounder.

3. The authorities conducted field enquiry, which revealed that the writ petitioner Munusamy's father is Mottiya Gounder. The said Mottaiya Gounder parents are Palaniyappa Gounder and Palaniyammal. The following Mottaiya Gounder, Chinnappa Gounder and Ponnammal are legal heirs of the



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Palaniyappa Gounder and Palaniyammal, wife of Palaniyappa Gounder. The said heirs are not alive at present. Mr.Govindhan, Perumayee, Mariyammal, Raman, Ramasamy are the heirs of the deceased Ponnammal. The deceased Mottaiya Gounder Legal Heirs are Munusamy, Thangammal, Arayammal and Chinnasamy.

4. The writ petitioner Munusamy has presented a petition before the Revenue Divisional Officer of Mettur on 15.09.2023 requesting to include the legal heirs names of the deceased Palaniyappa Gounder and Palaniammal.

5. The subject land has been classified as “Tharisu” before UDR. The authorities found that it is not possible to know on what basis the deed documents were established on this land before UDR and both the parties did not agree when they tried to measure the land regarding the enjoyment of the petitioner in the subject land. Since the authorities found that it is not possible to know the enjoyment of the land of the petitioner and the dispute exist between these two groups in respect of the subject property, the authorities relegated them to approach the Competent Civil Court of Law. Since the dispute exist between two groups and the Revenue Authorities identified the



said dispute, the parties are rightly relegated to approach the Competent Civil Court of Law and therefore, the relief as such sought for cannot be granted.

However, the petitioner is at liberty to approach the Civil Court of Law for the purpose of establishing his right.

6. With these observations, the Writ Petition stands dismissed. No costs.

15.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

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4.The Revenue Inspector,
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S.M.SUBRAMANIAM, J.

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