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W.P.No.19995 of 2024
and W.M.P.No.21890 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19995 of 2024
and W.M.P.No.21890 of 2024

P.Nachimuthu Gounder

...

Petitioner

versus

1.The District Revenue Officer,
Tiruppur District,
Tiruppur.

2.The Assistant Director of Survey and Settlements,
Tiruppur.

3.The Tahsildar,
Dharapuram Taluk,
Tiruppur.

4.The Fit person,
Arulmigu Chinnarayaperumal Thirukoil,
Periyakumarapalayam,
At Arulmigu Bagavan Thirukkoil,
Kosavalasu, Ponnivadi Village,
Dharapuram, Tiruppur District.

5.Saraswathi

6.Karthik

7.Saminathan

8.Kanchana

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to proceedings of the first respondent in Ni.Mu.9618/2018/J2 dated 05.09.2023 and quash the same and direct the first respondent to pass appropriate orders for grant of patta in the name of the petitioner in respect of Old Survey No.253/2, New Survey No.67/2, Periyakumarapalayam Village, Dharapuram Taluk, Tiruppur District, measuring an extent of 5.75 acres.

For Petitioner : Mr.A.E.Ravi Chandran

For Respondent Nos.1 to 3 : Mr.P.Sathish
Additional Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to quash the impugned order dated 05.09.2023 passed by the first respondent and consequently direct the first respondent to issue patta in the name of the petitioner in respect of Old Survey No.253/2, New Survey No.67/2, measuring an extent of 5.75 acres, situated at Periyakumarapalayam Village, Dharapuram Taluk, Tiruppur District.



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3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3 and perused the materials available on record.

4. It is the case of the writ petitioner that he has given an application to the first respondent to set right the mistakes in the UDR entry and issue a patta in favour of the petitioner. According to the petitioner, under the Tamil Nadu Inams (Abolition and Conversion into Ryotwari) Act, 1963, Ryotwari patta has been issued in his favour in respect of Survey No.253/2 for an extent of 5.75 acres. Thus, the proceedings has reached finality. However, during the re-survey under the UDR scheme, the mistakes have crept in and sub-division has wrongly done in 'A' Register, as against New Survey No.67/2, Old Survey Number was wrongly mentioned as 253/1 measuring an extent of 2.47.5 and the temple name was wrongly mentioned, instead of the petitioner's name. The correct old survey number should be 253/2 and the name of the patta holder should be the petitioner.

5. After finding the said mistakes, the petitioner has filed an appeal before the first respondent / District Revenue Officer and the



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impugned order has been passed. The impugned order has been passed mainly on the ground that in the resurvey Nos.67/1 and 67/3, there are certain transactions already taken place and respondents are in possession of the property and if the same is corrected, that will affect the possession of others. Hence, the first respondent rejected the appeal.

6. The learned counsel for the petitioner submitted that the impugned order is not based on the true facts. The impugned order has been passed on the basis of assumptions. According to him, in settlement proceedings, as far as Survey No.253/2, ryotwari patta has been issued only in the name of the petitioner. This aspect has not been disputed by the temple. Only, in 'A' Register, that Survey Number has shown as a temple property and Survey No.253/2 originally given a patta in the name of the petitioner, was shown as the property of the third parties. In fact, they were given a ryotwari patta in respect of Survey No.253/1. This fact has not been understood by the District Revenue Officer while passing the order. Hence, the learned counsel for the petitioner seeks to set aside the order and remand back the matter to the first respondent.



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7. The learned Additional Government Pleader for the respondents 1 to 3 would submit that they have no objection for remanding the matter to the first respondent / District Revenue Officer for fresh consideration.

8. I have perused the entire materials. The proceedings before the Settlement Tahsildar, Coimbatore, shows that the petitioner viz. Nachimuthu Gounder was given a ryotwari patta in Survey No.253/2 for an extent of 5.75 acres. Similarly, one Krishnasamy Gounder was given a patta in Survey No.138/2 for an extent of 13.40 acres. After UDR scheme, 'A' Register entries have been made indicating the Survey No.253/1 has been sub-divided as Survey Nos.67/1 and 67/3. In fact, Survey No.253/2 has been sub-divided as Survey No.67/2. However instead of mentioning the petitioner's extent under Survey No.67/2 which was sub-divided later, it is shown that the property belongs to the temple. 'A' Register ought to have reflected the extent allotted to the petitioner under Survey No.253/1 which was sub-divided as Survey No.67/2. Further, while carrying out the entries, old Survey sub-division No.67/1 referred to as S.No.253/2 instead of 253/1. Similarly, new Survey sub-division No.67/2 referred to the old Survey sub-



division No.253/1, instead of 253/2. This mistake is apparent on the face of the record. This has not been taken note of by the District Revenue Officer.

9. The request of the petitioner was rejected mainly on the ground that if the survey number is set right, it will affect others. The fact that an extent of 5.75 acres was allotted to the petitioner and patta has been given to the petitioner is not disputed. The temple is not claiming any right over the property. There is some adjustment of the land and some third parties are in possession of that area. As far as the petitioner's extent is concerned, as there is no objection from the temple, atleast the petitioner is entitled to the patta for his extent. Without considering these aspects, the impugned order has been passed merely on the ground that the third parties rights will be affected.

10. In such view of the matter, the impugned order dated 05.09.2023 passed by the first respondent stands quashed. The first respondent is directed to inquire all the persons concerned and issue a notice to the temple and the excess land is in occupation of the temple, demarcate and issue a patta to the petitioner in pursuant to the orders of the



Settlement Officer, Coimbatore within a period of four months from the date of receipt of a copy of this order.

11. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

24.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The District Revenue Officer,
Tiruppur District,
Tiruppur.

2.The Assistant Director of Survey and Settlements,
Tiruppur.

3.The Tahsildar,
Dharapuram Taluk,
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N.SATHISH KUMAR, J.

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