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W.P.No.33045 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33045 of 2024

and

W.M.P.Nos.35810 to 35812 of 2024

S.Vathsala

... Petitioner

Vs.

1.The District Revenue Officer,
Dharmapuri District.

2.The Tahsildar,
Kerimangalam Taluk,
Dharmapuri District.

3.R.Prakash

4.Geetha

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records in Ni.Mu.19252/2022/Pa.2 dated 16.11.2022 on the file of 1st respondent and quash the same and consequently direct the 2nd respondent to issue separate patta to the petitioner for his land measuring an extent of 0.67 acres comprised in S.No.308/2D in Karimangalam Village and Taluk, Dharmapuri District.



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For Petitioner : M/s.R.Rajaramani
For Respondents : M/s.A.Selvendran, Special GP,
for R.1 and R2.

ORDER

The Writ Petition has been filed seeking to quash the order passed by the 1st respondent and the 2nd respondent to issue separate patta for his land measuring an extent of 0.67 acres in S.No.308/2D.

2. The petitioner's case is that the larger extent of property comprised in S.Nos.307 and 308 situate at Karimangalam Village and Taluk, Dharmapuri District belong to one Akkammal and Pattammal. They had been in possession and enjoyment of the said property and had sold different extents of the properties to various persons. The dispute is in respect of the property comprised in S.No.308/2D2 measuring an extent of 0.00.500 and 0.02.00 hectares respectively. This property has been earmarked and set apart as a common pathway for all the purchasers. Respondents 3 and 4 have purchased the property from the one Ramasamy Gounder. Even in the sale deed in favour of Ramasamy Gounder (original purchaser) the above property has been described as common pathway.



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3. The petitioner's came to learn that under the UDR scheme, patta in respect of the disputed pathway had been issued in the name of Ramasamy Gounder. As the mistake has taken place during UDR, Scheme, one Natarajan had questioned the issuance of patta in the name of the respondents 3 and 4 before the 1st respondent. The petitioner would submit that the 2nd respondent herein by his order dated 14.11.2017 had transferred the patta in the name of respondents 3 and 4 by sub dividing the properties. As per the said order, the disputed pathway was sub divided as 308/2D2 and while sub-dividing the properties, no notice had been issued to the other purchasers in the same Survey Number. The petitioner had not been given a notice in the above said proceedings and therefore he had not been able to put forth his contention. Thereafter, once again, without following the principle of natural justice, the 1st respondent had passed the impugned order setting aside all the sub-divisions made by the 2nd respondent and directed to issue patta to purchasers as per the seniority of their respective sale deeds. Aggrieved by the same the petitioner, who has not been made parties to these proceedings, has now filed the above Writ Petition.



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4. Heard the counsels on either side and perused the records.

5. It is no doubt true that earlier, the impugned order had been challenged by the said Natarajan in W.P.No.29067/2023. The said Writ Petition was dismissed on 07.11.2023. However, taking note of the fact that the petitioner herein who is also one of the owners of the property in the said Survey Number and whose sub division has also been set aside by the impugned order has not been served with notice and has not been heard the Writ Petition has to be allowed.

6. Further, the subject matter of challenge before the 1st respondent was to delete the names of the persons whose names have been wrongly entered in the patta in respect of the S.No.308/2C and 309/2. However, by virtue of the impugned order, the 1st respondent has held that the patta can be granted on the basis of the documents of title. However, in order to grant patta on the basis of seniority, the subdivisions made in S.Nos.307 and 308 has been cancelled. The relief claimed and the relief granted are totally different. Therefore, the impugned order is set aside in so far as it relates to this petitioner and the matter is remitted back to the 1st respondent. The 1st respondent is directed to hear the petitioner afresh and thereafter pass orders. The said exercise shall be completed within a period



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of 8 weeks from the date of receipt of a copy of this order. Consequently,
the connected Miscellaneous Petitions are closed. No costs.

14.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Revenue Officer
Dharmapuri District.

2.The Tahsildar
Kerimangalam Taluk,
Dharmapuri District.

P.T. ASHA. J.,



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