



W.P.No.34994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34994 of 2023

Kaliyamoorthy

... Petitioner

versus

- 1.The District Collector,
The Collector Office,
Kallakurichi District.
- 2.The District Revenue Officer,
The Collector Office,
Kallakurichi District.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Thirukovilur,
Kallakurichi District.
- 4.The Tahsildar,
The Tahsildar Office,
Thirukovilur,
Kallakurichi District.
- 5.Sri Ammachar Amman Kovil,
Dhabakananthal Village,
Sankarapuram Taluk,
Kallakurichi District.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22.08.2022 for the correction in Patta within the time frame fixed by this Court.

For Petitioner : Mr.I.M.Siddartha Ramarajan
for Mr.V.Navaneetha Krishnan

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader for R1 to R4

No appearance for R5

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus, directing the respondents 1 to 4 herein to consider the representation of the petitioner dated 22.08.2022, wherein and whereby, he sought to make necessary corrections in Patta in respect of the subject property.

2.The case of the petitioner is that the subject property in S.No.57/7 measuring an extent of 0.38.5 cents situated at Dhanakananthall Village in Sankarapuram Taluk, Kallakurichi District, originally belongs to the



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petitioner's father vide registered Doc.No.1320/1964 and he has also obtained Patta in his favour. Since then, he is enjoying the said property and using it for agricultural purpose. The petitioner's father died on 23.02.1985. After the death of the petitioner's father, the said property is under the peaceful possession and enjoyment of the petitioner and his family members. While that being so, Patta in respect of the subject property was transferred in the name of the fifth respondent/temple. Hence, the petitioner gave several representations to the authority concerned to cancel the Patta issued in the name of the fifth respondent and issue Patta in favour of the petitioner. Thereafter, the petitioner once again made a representation dated 22.08.2022 to the respondents 1 to 4. Since the said representation has not been considered till date, the present writ petition has been filed.

3.The learned Special Government Pleader appearing for the respondents 1 to 4 by referring to the counter affidavit stated that during Updating of Registry Scheme (UDR), the authority concerned found that the fifth respondent was in possession and enjoyment in the subject property and issued Patta in favour of the fifth respondent. Hence, the Revenue



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Records viz., Adangal stands in the name of the petitioner's father was changed in the name of the fifth respondent. Therefore, the petitioner is not entitled to get any relief as sought for in this writ petition. If at all the petitioner has any grievance, he has to approach the Civil Court to establish his title.

4. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for respondents 1 to 4 and perused the materials available on record.

5. Despite service of notice, the fifth respondent has not chosen to enter appearance either through a counsel or in person.

6. Having regard to the submissions made by the learned counsel on either side, this Court, at this stage, is not expressing any view on the merits of the matter, as it is for respondents 1 to 4 to consider and decide the same on merits and in accordance with law. Since this Writ Petition is only for a mandamus to consider the representation, this Court directs the respondents



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1 to 4 to consider the representation of the petitioner dated 22.08.2022 and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after giving due opportunity of hearing to the petitioner, fifth respondent herein as well as the rival claimants / interested parties if any.

7.At this juncture, the learned counsel for the petitioner claimed that the petitioner is in possession and enjoyment of the subject property, but Patta mutated in the name of the fifth respondent. This Court cannot conduct a roving enquiry on the factual findings, however, the petitioner is at liberty to work out his remedy after passing final orders on his representation.

8.With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

23.01.2024

Index: Yes/No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
ms

Pg.Nos.5/7



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