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W.P.(MD)NO.10480 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10480 of 2024

Selvalakshmi

... Petitioner

Vs.

1. The District Revenue Officer,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Palani, Dindigul District.

3. The Tahsildar,
Vedasandur Taluk,
Dindigul District.

4. C.Ramu

5. D.Boopathi

(R-4 & R-5 are *suo motu* impleaded vide order dated 29.04.2024)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 17.04.2024 to sub-divide the land in survey No.1772/5A measuring about 26 cents situated at Vedasandur Village, Dindigul District.



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W.P.(MD)NO.10480 OF 2024

For Petitioner : Mr.M.Sricharan Rangarajan,
Senior counsel,
for Mr.T.Leninkumar.

For R-1 to R-3 : Mr.K.Balasubramanian,
Special Government Pleader.

For R-4 & R-5 : Mr.Prem Ayyathurai,
for M/s.Ajmal Associates.

* * *

ORDER

Heard the learned Senior counsel appearing for the petitioner and the learned Special Government Pleader counsel appearing for respondents 1 to 3 and the learned counsel appearing for respondents 4 and 5.

2. The petitioner's sister Backialakshmi filed W.P.(MD) No.3721 of 2024 for conducting survey of the land in survey No.1772/5A at Ottanagampatti, Vendasandur. The petition was disposed of by issuing usual directions. Subsequently, the private respondents filed W.M.P.(MD)Nos.8281, 8282 and 8283 of 2024 for recalling the said order. The said petitions were disposed of on 15.04.2024 with certain directions. The parties were granted liberty to establish their respective rights before the jurisdictional civil Court. In the meanwhile, this writ petition has been filed by the petitioner for directing the



authorities to consider her representation for subdividing the land in survey No.1772/5A. The case of the petitioner is that the land originally belonged to her father Sethurama Reddiar and that it had devolved on two of the daughters, namely, Backialakshmi and Selvalakshmi and that there has been an understanding between the sisters that 26 cents of land in the said survey number will fall to the lot of the petitioner. The petitioner now wants to settle the same in favour of her grandchildren. To do so, she requires the land to be further subdivided. This is opposed by the fourth respondent on the ground that in the remarks column of 'A' Register, it has been shown as “Nilaviyal Pathai”. The learned Senior counsel appearing for the petitioner submits that in the resettlement register, the corresponding old survey number is survey No.1772/B and that the land in question was not shown as cart track and that the error took place during UDR. If that be so, it is only the District Revenue Officer who can set right the same. Since the land has been shown as “Nilaviyal Pathai” in UDR, then the respondents will definitely have the right to have their voices heard.

3. Though normally subdivision exercise is undertaken at the Tahsildar level, taking note of the fact that the alleged error took place during UDR, I direct the first respondent to go into the issue. The first



respondent will hold an enquiry on 18.06.2024 at 3.00 p.m. The parties will not receive any independent or further notice. After hearing both the parties and also the relevant records, the first respondent will pass an appropriate order on merits and in accordance with law within a period of eight weeks, thereafter. I make it clear that I have not gone into the merits of the matter. The contention of both the parties are left open. This writ petition stands disposed of accordingly. Since the scope of this writ petition has been clearly spelt out, the first respondent is very much competent to take a call in the matter. He will not relegate the parties to go before the jurisdictional civil Court. No costs.

05.06.2024

Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Revenue Officer,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Vedasandur Taluk,
Dindigul District.



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G.R.SWAMINATHAN,J.

PMU

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