



W.P(MD)No.14300 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14300 of 2022

and

W.M.P.(MD)No.10221 of 2022

T.M.R.Kannan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.

4.The Tahsildar,
Kalayarkoil Taluk,
Sivagangai District.

5.Kathiresan

6.Selvi

7.Balashanmugam

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd Respondent in D.Dis.B4/13759/2021 dated 09.06.2022 and quash the same as illegal, arbitrary and consequently direct covered under patta No.592 of Oyyavanthan Group Vilage, Kalayarkoil Taluk, Sivagangai District as it stood prior to the settlement taken up under up-dating Registry.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R4

: Mr.V.Kannan for R5 to R7

ORDER

Heard both sides.

2. The case on hand pertains to Survey No.197/3 in Oyyazvanthan Village. It is not in dispute that in SLR, the names of one Seenivasan and Muthuvairu are shown. In the settlement 'A' register, their names are found. But during UDR, apart from the names of one Rathinam and Sethu, the fifth respondent's name had been included. Rathinam is said to be the son of Muthuvairu, while Sethu is said to be the son of Seenivasan and Kathiresan claims that he is the son of Ramasamy. If that be so, the issue as to who are the



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legal heirs of Muthuvairu will have to be established. The petitioner's counsel makes a serious allegation that Kathiresan was the VAO during the relevant time and that is how, he got his name included in the UDR. The second respondent herein ought to have insisted on production of the legal heir certificate of Muthuvairu to find out if Kathiresan is his grandson. There has been no proper enquiry in this regard. It is for this reason I set aside the impugned order. The matter is remitted to the file of the second respondent. The second respondent will hold enquiry afresh. Notice will be issued to all the stake holders including the petitioner and the fifth respondent. Final order on merits and in accordance with law will be passed within a period of three months from the date of receipt of a copy of this order.

3. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai Division,
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- 4.The Tahsildar,
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