BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15571 of 2020
and
W.M.P.(MD)No.13077 of 2020

R.Pirabu ... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tiruneveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer /
Sub Collector,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order vide No.A7-1885-2020 dated

28-09-2020 issued by the 4th respondent and quash the same as unlawful and illegal and thereby direct the respondents to remove the separate S.No.500/9 and amalgamate the S.No.500/9 with S.No.500/8 as previously by cancelling the Patta No.2456, put it in Patta No.154 n Palavoor Revenue Village (Part-II) within Radhapuram taluk in Tirunelveli District.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.T.Vilavankothai,
Addl. Government Pleader.

ORDER

Heard both sides.

2.One Ganapahthy Nadar purchased 50 cents of land in S.No.500, in Palavoor Revenue Village in a Court auction sale on 13.03.1964. It was also confirmed on 20.04.1964. From the said Ganapathy Nadar, the petitioner's father / Rajamarthandam Nadar purchased the property on 02.04.1975. Rajamarthandam Nadar executed settlement deed dated 23.09.2006 in favour of the petitioner. The petitioner applied for issuance of patta. He was issued with patta for S.No.500/8 only for 40 cents. Patta for S.No.500/9 for 10 cents stood in the name of Rajamarthandam Nadar and 17 others. The case of the petitioner is that when 50 cents of land had been settled in his favour by his father Rajamarthandam Nadar, he should have been issued patta for the entire 50 cents of land. The petitioner thereupon sent a petition to the Chief Minister's special cell. The same was forwarded to the Tahisldar, Radhapuram Taluk who rejected the petitioner's request vide order dated 28.09.2020. Challenging the same, the present writ petition came to be filed.

3.It is beyond dispute that the petitioner's father had purchased 50 cents of land in S.No.500 in Palavoor revenue village. During UDR, S.No.500 was sub-divided into S.No.500/1 upto 9. S.No.500/8 is in name of Rajamarthandam Nadar alone. It is for an extent of 16 ares. S.No.500/9 is in the name of Rajamarthandam Nadar and 17 others and it is for an extent of 3.5 ares. It is obvious that the mistake had crept in during UDR. It is not known as to how S.No.500/9 came to reflect the names of 17 others apart from Rajamarthandam Nadar. However, subsequent patta for S.No.500/9 reflects the names of 19 persons (Rajamarthandam Nadar + 18 others). UDR error can be corrected only by District Revenue Officer. It is also well settled that there is no limitation for effecting the UDR.

4.The Tahsildar could not have gone into the issue at all. He lacked the jurisdiction. I, therefore, set aside the impugned order. The petitioner is given liberty to move the second respondent herein (District Revenue Officer, Tirunelveli). As and when such a petition is filed for correcting the UDR error, the same will be enquired and disposed of within a period of four months thereafter.

5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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