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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21229 of 2024

Senthilkumar .. Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Thanjavur.

2.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.Kannan .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to rectify the error committed during the UDR scheme in respect of Survey No.157/3/8 by cancelling the Patta No.82 in Survey No.157/12 standing in the name of the 3rd respondent by considering the petitioner's representation, dated 07.08.2024.

For Petitioner : M/s.C.Geetha

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For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Seeking a mandamus to the 1st respondent to rectify the error committed in UDR in respect of Survey No.157/3/8 by considering the petitioner's representation, dated 07.08.2024, the petitioner is before this Court.

2. The petitioner would submit that an extent of 7 cents in Survey No.157/3/8 at north street, Puliyancheri village, Baburajapuram post, Kumbakonam Taluk, Thanjavur District was assigned in favour of his father Srinivasan under the proceedings of the Special Deputy Collector (Kudiyiruppu), Thanjavur District. Post the assignment of the land, the petitioner and his family members have been in full possession and enjoyment of the same thereby being in compliance of condition 9 of the assignment order. The petitioner would submit that he had availed loan from the Co-operative Housing Society by mortgaging the title deeds with them on 02.09.1980. The 3rd respondent who is an adjacent land

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owner by giving wrong information during the UDR had obtained patta to an extent of 0.01.5 ares which is a part of the land assigned to the petitioner's father. The petitioner had filed a suit for declaration in respect of against the 3rd respondent on the file of the Sub Court, Kumbakonam in O.S.No.124 of 2020 and for a permanent injunction restraining him from interfering with the peaceful possession and enjoyment of the 'C' schedule property which was the encroached area. After filing the suit, the petitioner had filed a petition before the 2nd respondent on 07.10.2019 to cancel the patta which has been erroneously given. For the last 5 years, the same has been kept pending. Thereafter, he was advised that the rectification can only be done by the District Revenue Officer. Therefore, the petitioner had requested the 2nd respondent to transfer his petition, dated 07.10.2019 to the 1st respondent and had also given a separate representation. Since no action has been taken, he is before this Court.

3. Heard the learned counsel on either side.

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4. Considering the fact that as early as in the year 2019 the petition had been moved before the 2nd respondent and the 2nd respondent had neither taken further action nor informed the petitioner that it is only the 1st respondent who can carry out the rectification, the 1st respondent is directed to dispose of the petition originally filed on 07.10.2019 and once again resubmitted on 07.08.2024 and report compliance on 21.10.2024.

5. With the above directions, this Writ Petition stands allowed. No costs.

6. Post this case for reporting compliance on **21.10.2024**.

06.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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