



W.P.(MD) No.21501 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21501 of 2024

K.S.Jeyaraman

.. Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.A.Kenni Devis

3.Charlatte Devadass

4.Ravindran Premkumar

5.Ashok Kennady

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to remove the wrong entry of the name Vazhikathaperumal Nadar made in the patta bearing No.479 during UDR Scheme in respect of land in Survey No.104/1C admeasuring 1 acre 26 cents situated at Kalakadu Part-II, Nanguneri Taluk, Tirunelveli District and consequently direct the



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1st respondent to issue joint patta by including the names of petitioner's father late.Sundaram Iyyer and petitioner's brother namely K.S.Venkatasubramanian in respect of Survey No.104/1C admeasuring 1 acre 26 cents situated at Kalakadu Part-II, Nanguneri Taluk, Tirunelveli District by considering the representations dated 11.04.2022 and 27.07.2024.

For Petitioner : Mr.R.Ponkarthikeyan
For R1 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The petitioner is aggrieved by the fact that the representations dated 11.04.2022 and 27.07.2024 directing the first respondent to remove the wrong entry made in the patta bearing No.479 during UDR Scheme in the name of Vazhikathaperumal Nadar, in respect of land measuring an extent of 1 acre 26 cents in Survey No.104/1C situated at Kalakadu Part-II, Nanguneri Taluk, Tirunelveli District, has not been considered and with a consequential direction to the first respondent to issue joint patta by including the names of the petitioner's father and his brother in respect



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of the above lands, the petitioner is before this Court.

2.The case of the petitioner is that the petitioner's father owned a piece of land in S.No.104/1C measuring an extent of 43 cents under a registered sale deed. Likewise, the petitioner's brother viz., K.S.Venkatasubramanian also owned 83 cents of land in the same survey under a registered sale deed. The total extent of land is 1 acre 26 cents belonged to the petitioner's father and his brother. After the demise of the petitioner's father, the petitioner and his brother are in possession and enjoyment of the same. Though they are settled at Chennai, they used to visit their lands periodically. In such circumstances, in the year 2020, the petitioner and his brother decided to partition the said property and for that purpose, they have verified the revenue records. They came to know that the respondents 3 to 5 had sold the petitioner's land under two sale deed, dated 07.08.2015, on the file of the Sub-Registrar, Kallakadu in favour of the second respondent. The respondents 3 to 5 claimed title under a patta No.479 stood in the name of Vazhikathaperumal Nadar. The said patta has been issued during UDR. The name of



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Vazhikathaperumal Nadar has been entered for the entire extent of the land, based on the said wrong entry, the respondents 3 to 5 have created the sale deed. Therefore, on 11.04.2022 the petitioner had given a petition to the first respondent to remove the wrong entry and cancel the patta No.479 issued in the name of Vazhikathaperumal Nadar during the UDR. Though two years were lapsed, the petitioner's request is yet to be considered. Therefore, the petitioner has come forward with the aforesaid relief.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent.

4.The petitioner has produced the sale deed standing in the name of his father and brother of the year 1943 and 1979 in respect of the extent of 1 acre 26 cents. The sale deed that has been executed by the respondents 3 to 5 was on the strength of patta and they have also alienated the property in favour of the second respondent. The petitioner has filed the petition for cancellation of patta, which is yet to be disposed



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of though two years have lapsed. In view of the aforesaid circumstances, a mandamus is issued to the respondents to remove the wrong entry made in Patta No.479 during UDR scheme in respect of the land in S.No. 104/1C and to issue joint patta by including the petitioner's father's name and his brother's name in respect of S.No.104/1C, after verifying the relevant records to show the title to the property, within a period of twelve weeks from the date of receipt of a copy of this order.

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

10.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.
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To
1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

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Dated: 10.09.2024