



1

W.P.(MD)NO.20834 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20834 of 2023 AND

W.M.P.(MD)Nos.17251 & 17252 of 2023

Muthulakshmi

... Petitioner

Vs.

1. The District Collector,
O/o.the District Collector,
Collector Office Road,
Alwarpuram, Madurai.
2. The District Revenue Officer,
O/o.District Collector,
Madurai East Office,
Madurai.
3. The Tahsildar,
O/o.the Tahsildar,
Madurai East Taluk,
Madurai.
4. The Zonal Deputy Tahsildar,
O/o.the Tahsildar,
Madurai East Taluk,
Madurai.
5. The Taluk Deputy Inspector,
O/o.the Tahsildar,
Madurai East Taluk,
Madurai District.
6. The Village Administrative Officer,
O/o.the Village Administrative Office,
Mangulam II Bit Village,
Madurai East Taluk, Madurai.



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... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records in connection with the impugned order passed by the second respondent vide her proceedings ref. No. in Nee.Mu.No.48749/2020/J5 dated 01.03.2022 and quash the same.

For Petitioner : Mr.Niranjan S.Kumar

For R-1 to R-6 : Mr.D.Sasikumar,
Additional Government Pleader.

For R-7 : Mr.K.Mahendran

* * *

ORDER

Heard both sides.

2. The petitioner's husband K.Thatchanamoorthy purchased 53 cents of land vide sale deed dated 27.06.2019. Subsequently, Thatchanamoorthy settled 50 cents of land in favour of the petitioner on 21.08.2019. Umadevi had earlier purchased 53 cents of land from Selvakumar vide sale deed dated 21.08.2015. Selvakumar in turn purchased the property from Indirani vide sale deed dated 03.05.2007 in



document No.3200/2007.

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3. While so, Indirani applied to the District Revenue Officer on 19.12.2020 to rectify the UDR error. Indirani's case was that she had alienated only 53 cents of land in favour of Selvakumar and that 12 cents of land are still remaining on ground and she may be issued with patta in respect of the same. The District Revenue Officer accepted the case of Indirani and passed proceedings to that effect on 01.03.2022. Based on the same, consequential proceedings were issued by the Tahsildar, Madurai East Taluk on 11.08.2023. Challenging these proceedings, the present writ petition came to be filed.

4. In as much as the District Revenue Officer had passed the order behind the back of the writ petitioner, some interference is warranted. At the same time, it is beyond dispute that the petitioner's husband Thatchanamoorthy had purchased only 53 cents of land and not anything more. Thatchanamoorthy had settled 50 cents of land in favour of the petitioner. If on ground there is any excess land over and above 53 cents of land, Indirani would certainly retain the same. Patta can be issued to that effect. Before doing so, field exercise and survey has to be conducted.



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5. Since the petitioner has stake in the matter and since she was not heard, the impugned order is set aside. The matter is remitted to the file of the third respondent. The third respondent will issue notice to the petitioner, her husband Thatchanamoorthy and Indirani. Survey shall be conducted and patta shall be issued in favour of the petitioner for 50 cents. 3 cents of lands are with Thatchanamoorthy. If the case of the seventh respondent is that 12 more cents are remaining on ground, for the said balance extent patta shall be issued to the seventh respondent. This exercise shall be completed by the third respondent within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

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3. The Tahsildar,
O/o.the Tahsildar, Madurai East Taluk, Madurai.
4. The Zonal Deputy Tahsildar,
O/o.the Tahsildar, Madurai East Taluk, Madurai.
5. The Taluk Deputy Inspector,
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Mangulam II Bit Village, Madurai East Taluk, Madurai.



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6

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G.R.SWAMINATHAN,J.

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