



W.P.(MD) No.12729 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.12729 of 2016
and
W.M.P.(MD) No.9631 of 2016**

R.Nagarathinam

... Petitioner

/vs./

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy.

3.The Revenue Divisional Officer,
Srirangam,
Trichy District.

4.The Tahsildar,
Marungapuri Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.Aa5/16478/2015,



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dated 15.02.2016, quash the same and direct the 2nd respondent to rectify the mistake committed during UDR survey and issue patta to the petitioner for S.No. 421/1 measuring 1.74.00 Hectares of Muthalvarpatti Village, Trichy District.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for a Writ of Certiorarified Mandamus to quash the order passed by the second respondent in Na.Ka.Aa5/16478/2015, dated 15.02.2016, to direct the second respondent to rectify the mistake committed during the UDR survey and to issue patta to the petitioner in respect of the land in S.No.421/1, measuring an extent of 1.74.00 Hectares, at Muthalvarpatti Village, Trichy District.

The short facts, which has preceded the filing of the writ petition, are as follows:

2. The aforesaid property had been assigned to one Pambaian by the Tahsildar, Manapparai under an assignment deed dated 06.08.1970. Pambaian was in possession and enjoyment of the same and was assigned patta No.646. On

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27.08.1980, the petitioner had purchased the property from the said Pambaian and was in possession and enjoyment of the same.

3. The petitioner had sold an extent of 0.45.0 hectares to one Noor Mohamed and was cultivating the remaining extent of 1.32.5 hectares. Though the petitioner's vendor was in possession of the property, it appears that during the UDR survey, the lands were classified as 'Tharisu.' As soon as the petitioner had come to know about this, he had given a representation dated 23.12.2023 to the third respondent calling upon the third respondent to issue patta.

4. On 09.09.2014, the third respondent had called the petitioner for an enquiry on 26.09.2014. Thereafter, there was no progress in the enquiry. The petitioner later learnt that it was the District Revenue Officer, who was the competent authority to rectify the UDR defects. Therefore, he submitted a representation on 04.05.2015 to the second respondent to rectify the defects. Once again, there was no response constraining the petitioner to file W.P.(MD) No.9584 of 2015. Thereafter, by an order dated 15.02.2016, the petitioner's request was rejected stating that the land assigned and the land, for which the patta is granted,



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was totally different. Challenging the same, the petitioner is before this Court.

5. A counter has been filed *inter alia* contending that once the petitioner had sold the property to Noor Mohamed, it was only Noor Mohamed, who is in possession and enjoyment of the same and the petitioner cannot be termed an aggrieved party. That apart, the learned counsel for the fourth respondent contended that the assignment order in favour of the petitioner's vendor related to some other property and the petitioner is claiming title over and above.

6. Heard the learned counsel on either side.

7. The above stand taken by the respondents is contrary to the contents of the documents. The petitioner has indeed sold the property to Noor Mohamed. However, it is only an extent of 0.40.5 hectares that had been sold and the petitioner continues to hold an extent of 1.32.5 hectares and therefore, he is an aggrieved party and the contention of the fourth respondent that the petitioner is not an aggrieved party has to be rejected.



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8. The second ground that the survey numbers are different has also got to be rejected, since the assignment deed which was issued to Pambaian was only with reference to the very same survey number, namely 421/1, measuring an extent of 1.74.00 hectares. It is in respect of this land that the petitioner has filed this application for rectifying the defects. Further, both the petitioner as well as his vendor had been issued with patta and it is only during the UDR survey that the lands have been reclassified that too without notice to the petitioner/his vendor.

9. Therefore, the impugned order passed by the second respondent in Na.Ka.Aa5/16478/2015, dated 15.02.2016 is set aside and the second respondent is directed to rectify the mistake committed during the UDR survey and to issue patta to the petitioner for the petition mentioned property within a period of four weeks from the date of receipt of a copy of this order.



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10. In fine, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

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P.T.ASHA, J.

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