



W.P.(MD) No.21941 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21941 of 2016
and
W.M.P.(MD) No.15684 of 2016

R.Chinnasamy

.. Petitioner

Vs.

1.The District Collector,
Madurai.

2.The District Revenue Officer,
Madurai.

3.The Revenue Divisional Officer,
Usilampatty,
Madurai District.

4.The Tahsildar,
Peraiyur Taluk,
Madurai District.

5.M.Pandi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorari, to call for the records of the



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second respondent in Ni.Mu.No.50000/2014/(G5) dated 21.10.2016 and quash the same as illegal.

For Petitioner : Mr.P.Ganapathi Subramanian
For R1 to R4 : Mr.D.S.Nedunchezian
Government Advocate
For R5 : No appearance

ORDER

This writ petition is filed to quash the order passed by the second respondent dated 21.10.2016.

2. The facts which had preceded the filing of this writ petition are set out hereinbelow:

The property comprised in S.No.189/4, measuring 0.06.5 ares of Kudisery Village, Peraiyur Taluk was claimed to be the ancestral property of the petitioner. The petitioner would submit that Patta No.1102 was issued in his favour and in favour of his brother Thirumal during the UDR scheme. The petitioner would further claim that on 20.03.2013, he had settled the property in favour of his wife Chellammal in respect of



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his half share in the aforesaid property. The fifth respondent, who had no right or interest in the above said property, preferred a petition to the second respondent stating that there was an error in the UDR scheme for grant of patta. Prior to this, the revenue records stood in the name of one Gopal Nadar. The petitioner would submit that he is totally in dark as to who Gopal Nadar was. The petitioner appeared before the second respondent in response to the notice calling him for enquiry. He had submitted the documents. However, without giving him an opportunity, the impugned order dated 21.10.2016 was passed transferring the patta by deleting the petitioner's name and restoring it in the name of Gopal Nadar. The second respondent also directed the fourth respondent to verify and enquire the legal representatives of the deceased Gopal Nadar.

3. It is the contention of the petitioner that the second respondent had not furnished the copy of the report submitted by the Tahsildar and the Revenue Divisional Officer to obtain a clarification from the petitioner. Therefore, the petitioner has come forward with the writ petition in question.



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4. Though counter affidavit is not filed, the learned Government Advocate had produced the 'A' Register dated 05.05.1962, which would indicate that the land in S.No.189/4, measuring an extent of 16 cents, stood in the name of Gopal Nadar. The lands in S.Nos.189/4 and 193/4 showed Gopal Nadar as the owner. He also brought to my attention an order in W.P.(MD) No.15007 of 2019, which is a writ petition filed by the fifth respondent herein against the petitioner and others for a certiorarified mandamus to cancel the patta granted by the fourth respondent in favour of the petitioner herein and to direct the issue of patta in the name of the petitioner therein on the basis of his representation dated 15.05.2013. This writ petition was closed on 05.12.2022, wherein it was informed to the Court that the patta had been transferred in the name of the petitioner therein and therefore, the writ petition had become infructuous. The private respondents were given liberty to challenge the same before the appropriate authority. It is thereafter that the second respondent has passed the impugned order after hearing both parties.



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5. The impugned order would clearly state how the petitioner has not been able to establish his title to the property except for producing the UDR patta, which is of the year 1993, whereas the respondents had not only produced the 'A' Register extracts, but also other documents to show Gopal Nadar had a right to the property even prior to the petitioner and there is no explanation as to how the fourth respondent had cancelled the patta standing in the name of Gopal Nadar and transferred it in the name of the petitioner. Therefore, in the light of the above, the order passed by the second respondent is in order and I see no reason to interfere with the same.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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