



W.P.(MD) No.10475 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10475 of 2017

Seethalakshmi

.. Petitioner

Vs.

- 1.The Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Manamadurai Taluk,
Now, Thiruppuvanam Taluk,
Sivagangai, Sivagangai District.

4.Dhanasekaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, to declare the orders passed by the second respondent through his proceedings dated 05.04.2017 as null and void and directing the respondents particularly the second respondent, to delete the name of the fourth respondent from the



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Revenue Records relating to Patta No.463 in Survey No.142/18 and thereby directing the second respondent to insert the petitioner's name in the Revenue Records relating to Patta No.463 in S.No.142/18.

For Petitioner : Mr.V.Lakshmanan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is an unnecessary one which the petitioner has been forced to file only on account of the non-application of mind on the part of the second respondent.

2. This writ petition has been filed for the following relief:

“... pleased to issue a writ or order or direction in the nature of Writ of Declaration, to declare the orders passed by the second respondent through his proceedings dated 05.04.2017 as null and void and directing the respondents particularly the second respondent, to delete the name of the fourth respondent from the Revenue Records relating to Patta No.463 in Survey No.142/18 and thereby directing the second respondent to insert the



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petitioner's name in the Revenue Records relating to Patta No.463 in S.No.142/18 and to pass such further or other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.”

3. The petitioner had purchased an extent of 22 cents out of 31 cents of land in S.No.142/18 in Thirupachethi Village under a registered sale deed dated 24.06.1987 from one Dhamayanthi, wife of Kathapillai and daughter of one Arunachalam. From the date of purchase, she has been in possession and enjoyment of the same. The property in S.No. 142/18 originally belonged to the petitioner's vendor's father one Arunachalam Pillai @ Chinnupillai. Prior to the UDR scheme, patta in respect of S.No.142/18 stood in the name of Arunachalam Pillai as Patta No.370, which continued till his death. After his death, his only daughter Dhamayanthi was in possession and enjoyment of the said property. While so, in 1984, UDR scheme was introduced and the lands were assigned new Patta No.463 by the Revenue Authority, i.e., S.No.142/18. While so, without the petitioner's knowledge, the fourth respondent's name was wrongly inserted in Patta No.463. The fourth respondent has



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no lands in the said survey number. The petitioner has therefore, given a representation to the second respondent to rectify the mistake. The second respondent, without examining the petitioner or perusing the records, rejected the application. The second respondent had overlooked the report of the Village Administrative Officer, who had enquired the fourth respondent, who had stated that the petitioner had no right to the property comprised in S.No.142/18. Therefore, aggrieved the petitioner is before this Court.

4. A perusal of the impugned order would itself reveal the above statement. Under the heading கிராம நிர்வாக அலுவலரின் வாக்குமூலம் the following has been extracted:

□... மேலும் மேற்படி புலத்தில்
மின்மோட்டாருடன் கூடிய வட்டக்கிணறு உள்ளது
எனவும் மேற்படி ஆஜர் பட்டாதாரர் சப்பாணியாபிள்ளை
மகன் தனசேகரன் என்பவர் மனுதாரர் மருமகன்
அனுபவம் செய்யும் நிலத்திற்கு மனுதாரர் பெயருக்கு
பட்டாமாறுதல் செய்ய தனக்கு எவ்வித
ஆட்சேபணையும் இல்லை என தெரிவித்துள்ள ...□



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5. The said Dhanasekaran has also clearly stated that his lands are comprised in S.No.148/5.

6. In the light of the above admission, the inclusion of his name in respect of S.No.142/18, on the face of the above submission, is erroneous. However, the second respondent has persisted and rejected the petitioner's request for rectification and continued to include the name of the fourth respondent in the survey number in which even according to him, he owns no land.

7. In the light of the above, the impugned order has to necessarily be set aside and accordingly, the same is set aside. The second respondent is directed to forthwith delete the name of the fourth respondent from the revenue records and insert the name of the petitioner in relation to Patta No.463 with respect to S.No.142/18 within a period of six weeks from the date of receipt of a copy of this order.



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8. With the above direction, this Writ Petition is allowed. No costs.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The Collector,
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Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
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P.T.ASHA, J.

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