



W.P.(MD).No.31273 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.31273 of 2023

1.N.Muthaiah

2.Selvam

.. Petitioners

Vs.

1.The District Revenue Officer,
Madurai District.

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the Respondents to issue patta in the petitioners' names on their representation dated 31.10.2022 based on the said order of the DRO Madurai and the subsequent order passed by the Tahsildar, Thirupparankundram in his T.R.2023/0903/24/262504/TR dated 28.04.2023, within the time frame that may be stipulated by this Court.

For Petitioners : Mr.V.Murugan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

The Writ Petition seeks for a Writ of Mandamus to direct the respondents to issue patta in favour of the petitioners by considering their representation dated 31.10.2022 based on the order of the District Revenue Officer, Madurai and the subsequent order passed by the Tahsildar, Thirupparankundram vide proceedings dated 28.04.2023, within the time frame stipulated by this Court.

2. According to the petitioners, the property in Survey No.9/7 measuring an extent of 0.18.0 Ares in Patta No.38, K.Pudhupatti Village, Thirupparankundram Taluk, Madurai District, originally belonged to their great grandfather, namely, A.Murugakone, S/o.Aandi Konar. After his death, his son, one A.Pitchai Konar was in possession and thereafter, the property devolved to the petitioners' fathers, namely, Natarajan and Nagarajan. They were in possession and enjoyment of the said property. Through UDR sub-division, mutation has been done and the property in Survey No.9/7 measuring 0.18.0 ares was wrongly changed in the name of M.Palani Konar in Patta No.25 and due to the said error committed, the



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family members of the said M.Palani Konar have created a forged registered document by utilizing the UDR error in their favour. The first respondent, by order dated 05.09.2022, has cancelled the entire mutations and the name of the petitioners' grandfather, A.Murugakone, as per Patta No.38, was brought back and status quo was ordered to be maintained. According to the petitioners, the Tahsildar, Thirupparankundram in T.R. 2023/0903/24/262504/TR dated 28.04.2023, had changed the patta from the name of Palanikone, S/o.Murugakone to the name of their grandfather, Murugakone, S/o.Andikone, in Patta No.606. According to the petitioners, they are the legal heirs and they are in possession and enjoyment of the property by paying kist and they seek for change of patta in their favour.

3. The learned Special Government Pleader appearing for the respondents would submit that on 05.09.2022 itself, there was an enquiry conducted by the District Revenue Officer and as per the order of the District Revenue Officer, it is seen that there were so many persons claiming the property regarding Survey Nos.9/6 measuring 0.55 cents, 9/7 measuring 0.44 cents and 9/8 measuring 1.95 acres of land, which are all in dispute.



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4. The learned counsel for the petitioners would submit that there was a dispute between the third parties, Rajamani, Pitchai Ammal, Indirani and one Gurusamy, Palaniammal, Veeranan, Murugan, Thiruvaiammal and Pandi. The revision petitioners, namely, Gurusamy and Ilamparidhi were not in a position to produce appropriate documents to show as to how they are entitled for the said lands and nobody has produced any title documents for claiming right over the property regarding the lands in Survey No.9/7 measuring 0.18.0 ares in Patta No.25. Based on the similarity in the names, both the petitioners and the respondents in the revision petition are claiming right over the property. Hence, all the mutations done after the UDR survey were cancelled and as per the settlement 'A' register, the property was brought in the name of A.Murugakone and status quo was ordered to be maintained. The aforesaid parties were directed to approach the appropriate Civil Court for obtaining their remedy.

5. The learned counsel for the petitioners would submit that the petitioners are the legal heirs of the said Murugakone and they were not a party to the revision proceedings before the District Revenue Officer. He



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states that the petitioners' rights are at stake and seeks the intervention of this Court to issue direction to the respondents for appropriate orders.

6. In view of the above facts and circumstances, the petitioners are directed to approach the District Revenue Officer/first respondent herein with supporting documents of title and the first respondent shall consider the said documents and pass appropriate orders, after affording opportunity of hearing and if he finds that the petitioners are entitled as the legal heirs of Murugakone, S/o.Andikone, issue patta within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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V.BHAVANI SUBBAROYAN,J.

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