IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23528 of 2022

Vasudevan
S/o.Athikesava Naicker ... Petitioner

Vs.

1.The District Revenue Officer,
The District Collector Office,
Ranipet - Post & District.

2.The Sub Collector,
O/o.The Sub Collector,
Ranipet - Post & District.

3.The Tahsildar,
Sholinghur Taluk Office,
Sholinghur Taluk and Post,
Ranipet District.

4.Kuppan
S/o.Velappa Naicker

5.Rajammal
W/o.Venkadesan ... Respondents
[R3 cause title amended vide order dated
20.06.2024 made in W.M.P.No.427/2023
in W.P.No.23528/2022]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records in Mu.Mu.Di2/5556/2021 (மு.மு.டி2/5556/202) on the file of first respondent/District Revenue Officer, Ranipet, dated 31.05.2022 and proceedings in Na.Ka.A4/8594/2015 (ந.க.அ4/8594/2015) on the file of the second respondent/Sub Collector, Ranipet dated 22.05.2021 and quash the same and direct the respondents 1 to 3 to issue individual patta for the extent of land (0.10.0 hectare) i.e. 25 cents along with well and 3 H.P.Pumpset in Survey No.143, Govindacherry Village, Walajapet Taluk, Ranipet District.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.M.R.Gokulkrishnan
Additional Government Pleader
[R1 to R3]

*****

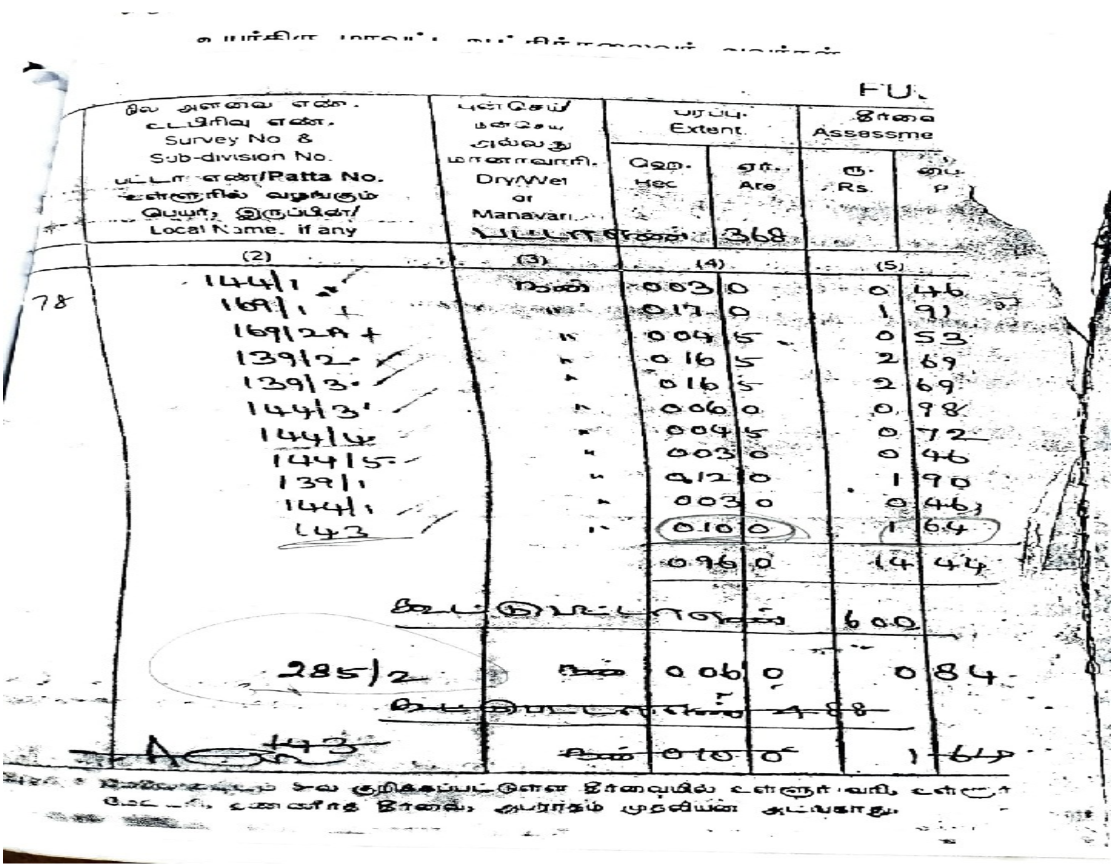
O R D E R

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 31.05.2022 confirming the order passed by the second respondent through proceedings dated 22.05.2021 and for a consequential direction to the respondents to issue individual patta to the petitioner with respect to the property in Survey No.143 measuring an extent of 0.10.0 hectares (25 cents).

2. Heard Mr.D.Veerasekaran, learned counsel for petitioner and Mr.M.R.Gokulkrishnan, learned Additional Government Pleader appearing for respondents 1 to 3.

3. The petitioner purchased various extent of property in various survey numbers through a sale deed dated 18.09.1986 registered as Document No.3043 of 1986. The subject matter in the present writ

petition confines only to Survey No.143. Earlier, patta was granted in the name of the petitioner in Patta No.368. While granting such patta, a mention was made in the Patta Pass Book as if there is a joint patta with respect to Survey No.285/2 in Patta No.600. The petitioner never made any claim over this property at Survey No.285/2, however, such mention was made in the patta that was issued in favour of the petitioner. For proper appreciation, the patta is scanned and extracted hereunder:



Survey No & Sub-division No. Patta No. Local Name, if any (2)	Dry/Wet or Manavari (3)	Extent Hec. (4)	Extent Are (4)	Assessme Rs. (5)	P. (5)
பட்டா எண்			368		
144/1		0 03	0	0	46
169/1		0 17	0	1	91
169/2A	"	0 04	5	0	53
139/2	"	0 16	5	2	69
139/3	"	0 16	5	2	69
144/3	"	0 06	0	0	98
144/4	"	0 04	5	0	72
144/5	"	0 03	0	0	46
139/1	"	0 12	0	1	90
144/1	"	0 03	0	0	46
143	"	0 10	0	1	64
		0 96	0	14	44
கூட்டுப்பட்டா எண்				600	
285/2		0 06	0	0	84
கூட்டுப்பட்டா எண் 488					
143		0 10	0	1	64

4. The Updating Registry Scheme was undertaken during the

year 1979-1987. At that point of time, insofar as Survey No.143 is concerned, the patta was granted in the name of some third parties in Patta No.488 after excluding the name of the petitioner in the revenue records. The specific case of the petitioner is that those persons have never made any claim over the subject property and in fact Adikesavan, whose name was found in the patta is none other than the father of the petitioner. In view of the same, the petitioner submitted a petition before the District Collector seeking for issuance of individual patta in his name for Survey No.143 after deleting the names of three persons found in the revenue records. The petition was forwarded to the second respondent and the second respondent, through proceedings dated 22.05.2021, rejected the claim made by the petitioner mainly on the ground that the sale deed relied upon by the petitioner did not provide the actual extent of the property in Survey No.143.

5. Aggrieved by the order passed by the second respondent, the petitioner filed an appeal before the first respondent. The first respondent, through the impugned proceedings dated 31.05.2022, confirmed the order passed by the second respondent and rejected the claim made by the petitioner. Challenging the same, the present writ petition has been filed

before this Court.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. It will be relevant to take note of the sale deed relied upon by the petitioner through which he had purchased various survey numbers including survey No.143. In the description of the property, the entire Survey No.143 has been conveyed in favour of the petitioner including the 3 H.P.Pumpset. While the earlier patta was granted in the name of the petitioner in Patta No.368, a specific mention was made regarding the extent of the property as 0.10.0 hectares (25 cents). The only grievance expressed by the petitioner is that during the UDR scheme, patta with respect to Survey No.143 was given in favour of three other persons, who had absolutely no claim over the property. This was sought to be corrected by the petitioner by giving a petition. In other words, the dispute was not on the extent of property in Survey No.143 and what was in dispute was the inclusion of the names of three persons during the UDR scheme and excluding the name of the petitioner with respect to Survey No.143. Hence, the only consideration can be as to whether those persons had any right or claim over the property or their names were

mistakenly added in the revenue records. In fact, one of the names added in the patta is the name of the father of the petitioner. The petitioner himself was aged about 70 years when this took place and his father's name found place in the patta granted in the name of three persons in Patta No.488.

8. The first respondent was the competent authority, who should have verified as to whether a mistake had crept in during the UDR scheme. Instead, the respondents 1 and 2 unnecessarily went into the issue of the total extent of the property, which was not even disputed and which was specifically mentioned in the earlier patta issued in the name of the petitioner with respect to survey No.143. In the absence of any independent claim made by any other individuals and in the light of the sale deed relied upon by the petitioner dated 18.09.1986, the first respondent ought to have corrected the mistake that took place during the UDR scheme and granted patta in the name of the petitioner with respect to Survey No.143 by showing the extent of property as was identified even in the previous patta granted in the name of the petitioner in Patta No.368.

9. In the light of the above discussion, the impugned

proceedings of the first respondent dated 31.05.2022 confirming the order passed by the second respondent through proceedings dated 22.05.2021 is hereby quashed. There shall be a direction to the first respondent to issue proceedings by directing the third respondent to make necessary corrections in the revenue records by adding the name of the petitioner as the owner of the property in Survey No.143 measuring an extent of 0.10.0 hectare (25 cents). Such proceedings shall be issued by the first respondent within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, the third respondent shall issue patta in the name of the petitioner after effecting mutation in the revenue records. The same shall be done within a period of two (2) weeks from the date of receipt of the proceedings of the first respondent.

This writ petition is allowed with the above direction. No costs.

11.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

N.ANAND VENKATESH, J

gm

To

1.The District Revenue Officer,
The District Collector Office,
Ranipet - Post & District.

2.The Sub Collector,
O/o.The Sub Collector,
Ranipet - Post & District.

3.The Tahsildar,
Sholinghur Taluk Office,
Sholinghur Taluk and Post,
Ranipet District.

Writ Petition No.23528 of 2022

11.03.2025