



W.P.(MD)No.4723 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4723 of 2023

and

W.M.P.(MD)Nos.4375 & 4376 of 2023

J.Nagendran

... Petitioner

Vs.

1. The District Revenue Officer

Office of the District Revenue Officer,
Ramanthapuram.

2. The Tahsildar

Kamudhi Taluk,
Ramanathapuram District.

3. Ponnaiyan

4. Muthukumar

5. Rajeev Gandhi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records, relating to the impugned order dated 05.01.2023 vide proceedings in Ni.Mu.B5/12100/2022(B11) on the file of the 1st respondent and to quash the same and further direct the respondents to issue patta in the name of the petitioner.



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For Petitioner : Mr.K.Chengiz Khan
For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R1 & 2
: Mr.B.Muneeswaran for R4
: No Appearance for R3

ORDER

The petitioner challenges the impugned order of the first respondent dated 05.01.2023.

2. I have heard Mr.K.Chengiz Khan, the learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.B.Muneeswaran, learned counsel appearing for the fourth respondent.

3. The learned counsel for the petitioner would submit that the property in survey No.320/11 was originally belonging to Amaravathiammal and she had settled the said property on her son, viz., Nagaiah Chettiyar, on 21.09.1960. Pursuant to the said settlement deed in



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his favour, the son sold the property in favour of two brothers, viz., Ponram and Jeyaram, on 27.11.1967.

4. While the petitioner claims title under the original owner Amaravathiammal, who had settled the property, in the year 1960, it is the case of the respondents 3 to 5 that they are the children of one Ponraj, who had been issued patta in his name and based on the said patta, their father, Ponraj, has executed a registered settlement deed in their favour. Therefore, the learned counsel for the fourth respondent would submit that the impugned order does not deserve any interference and the first respondent had rightly directed the petitioner to approach the competent Civil Court.

5. The learned Additional Government Pleader would submit that though UDR mistake was identified, the petitioner was entitled to necessary correction, in view of the registered settlement deeds executed in favour of the respondents 3 to 5, it was not open to the revenue authorities to cancel the settlement deeds and only under such circumstances, the first respondent had directed the petitioner to



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approach the competent civil Court, to establish his right over the subject property in survey No.320/11. The learned Additional Government Pleader therefore seeks for dismissal of the writ petition.

6. I have gone through the documents relied on by the parties.

7. It is seen that the petitioner traces title to one Amaravathiammal, whose name has been reflected in the 'A' Register as well as SLR register. From the said Amaravathiammal, the petitioner is tracing his title. In fact, even in the impugned order, the first respondent has also affirmed the right of the petitioner holding that the petitioner was entitled to the request for correction of the UDR mistake. However, the only reason on which the first respondent has directed the petitioner to approach the competent civil Court, to establish title, was in view of the fact that the person, in whose name patta has been erroneously mutated during UDR survey scheme, namely Ponraj Chettiyar, had subsequently registered the settlement deeds in favour of the respondents 3 to 5.



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8. The learned counsel for the 4th respondent is unable to state as to how the said Ponraj become entitled to the subject land. Even before the first respondent, except patta, which too was found to be erroneously issued to Ponraj, no document of title to evidence how Ponraj or his legal heir stake claim to the subject property was filed or relied on.

9. In view of the above, when the first respondent found that the petitioner's case would be correct and also having held that the petitioner is entitled to correction in the UDR records, in view of the erroneous issuance of patta in the name of Ponraj, the first respondent ought not to have driven the petitioner to go to the Civil Court, merely because, the settlement deeds had been executed in favour of the respondents 3 to 5, by the said Ponraj. If at all the respondents 3 to 5 are aggrieved by the correction of the UDR records, to restore the name of Amaravatiammal, insofar as the order of the first respondent directing the petitioner to approach the competent civil Court established right is unnecessary, when the first respondent has arrived at categorical findings in favour of the petitioner. Therefore, the impugned order is set aside. However, insofar as the issuance of patta to the petitioner, the second respondent



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shall conduct an enquiry and after affording opportunity to the petitioner as well as the respondents 3 to 5, shall pass orders on merits and in accordance with law and subject to the said decision, the transfer of patta from the name of Amaravathiammal, shall be accordingly effected. The Tahsildar, shall conduct an enquiry after affording an opportunity to the petitioner as well as the respondents 3 to 5 and pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

10. This Writ Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

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Order made in
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