



W.P.(MD)No.10485 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.10485 of 2019

G.Palaniyappan

... Petitioner

/Vs./

1.The District Revenue Officer/
Additional District Magistrate,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent dated 18.06.2018 in Ni.Mu.No.19792/2015/G5 and set aside the same as illegal and consequently direct the second respondent to issue a joint patta in favour of the legal heirs of one Thangammal, Wife of Gurusamy with regard to properties in S.No.150/2, 153/2, 153/3 situated at Siruvalai Village, Madurai North Taluk, Madurai District within a time as may be fixed by this Court.



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For Petitioner : Mr.G.Aravinthan
For Respondents : Mr.B.Saravanan
Special Government Pleader

ORDER

The petitioner challenges the impugned order passed by the first respondent in Ni.Mu.No.19792/2015/G5, dated 18.06.2018 and consequently seeks a direction to the second respondent to issue joint patta in the name of legal heirs of Thangammal, wife of Gurusamy in respect of the properties comprised in survey Nos.150/2, 153/2 and 153/3, Siruvalai Village, Madurai North Taluk, Madurai District.

2. I have heard the learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would invite my attention to the application made by the petitioner seeking correction in the UDR records inclosing the relevant documents (6 documents). The said application was made on 31.03.2015. The impugned order has been



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passed by the first respondent on 18.06.2018 and on going through the impugned order, I find that, after finding the mutation of patta in the name of one Dhanushkodi Achari after the UDR survey and that the lands were classified as Anadeenam prior to UDR survey, the first respondent has summarily rejected the petitioner's application without even discussing the documents that have been relied on by the petitioner in support of his claim for correction of UDR survey and to remove the name of Dhanushkodi Achari and mutate the name of his late mother or alternatively in joint names of the legal heirs. The impugned order is a non-speaking order and merely extracting the position before and after survey would not in any manner justify the direction issued by the first respondent to restore the status which revealed prior to the UDR survey, namely, the lands being classified as Anadheenam. The first respondent ought to have discussed the claim of the petitioner made through various documents, including registered sale deed, 'A' register as well as the encumbrance, besides death and legal heirship certificates relevant to the subject issue.



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4. For the above reasons, I am unable to sustain the impugned order. The writ petition is allowed and the matter is remitted to the first respondent to consider the petitioner's request for correction of the UDR records and if found entitled to the same, shall to consequently issue patta either in the name of late mother or in the joint name of the legal heirs of late mother, after conducting an enquiry and after affording an opportunity to the petitioner and other interested parties, if any, in accordance with law and on merits. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. In view of the above, the writ petition is allowed. No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

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