BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2025**

CORAM:

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

W.P.(MD)No.14904 of 2024

R.Duraimanickam .... Petitioner

/Vs./

1.The District Revenue Officer,
Collector Office Thanjavur,
Thanjavur District.

2.S.Mohan ... Respondents

PRAYER**:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent proceedings Na.Ka.5937/2023/U(2) dated 24.05.2024 and to quash the same and further direct the first respondent to rectify the error occurred in UDR Patta regarding the properties comprised in Survey Nos.27/3, 28/9, and 28/12 to an total extent of 2 acre 79 cents from second respondent name to the petitioner and other co-sharer and the property situated in Malayarnatham Village, Papanasam Taluk, Thanjavur District.

For Petitioner : Mr.A.Senthilkumar

For R1 : Mr.B.Saravanan
Additional Government Pleader

For R2 : No appearance

## ORDER

The petitioner challenges the order of the first respondent dated 24.05.2024 in Na.Ka.No.5937/2023/U(2) directing the petitioner to wait the outcome of O.S.No.451 of 2023 before seeking rectification of errors in the UDR patta relating to the property comprised in Survey Nos.27/3, 28/9, and 28/12 to an total extent of 2 acre 79 cents.

2. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

3. The contention of the petitioner counsel is that the suit filed by the second respondent is for declaration based on a alleged oral sale under which, the second respondent claims to have purchased the property on 03.01.1984 from the writ petitioner herein.

4. Admittedly, the case of the petitioner is that he become the owner of the subject property only pursuant to the demise of his father in December 2013 and mother in the year 2019. In any event, there is no interim order passed in O.S.No.451 of 2023 to restrain the revenue authorities from initiating or continuing proceedings under the relevant statutes, namely the Patta Passbook Act. Further, the claim of the second respondent under an oral sale deed, that too, 35 years back, on which date, the writ petitioner was not even the owner of the subject lands, raises serious doubts about the genuinity of the claim of the second respondent in the civil suit. Therefore, when the petitioner has sought for rectification of error in UDR patta based on a registered sale deed dated 07.08.1974 and also the encumbrance certificate and the death certificate of the father, the revenue authorities ought not to have washed of their hands and postponed the decision on the request of the petitioner for correction of the UDR records till such time the suit in O.S.No.451 of 2023 is disposed of.

5. In view of the above, I am constrained to set aside the impugned order and the first respondent is directed to pass orders on the

petitioner's application for rectification of errors in the UDR patta and in accordance with law and affording an opportunity of hearing to both the petitioner as well as the second respondent. After hearing the objections of the second respondent, the first respondent shall pass orders on merits and not reject the application of the petitioner citing the pendency of O.S.No.451 of 2023, unless documents produced by the second respondent compel the first respondent to not pass orders on the petitioner's application. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No **14.02.2025**
am

**TO:-**

The District Revenue Officer,
Collector Office Thanjavur,
Thanjavur District.

**P.B. BALAJI, J.**

am

Order made in
W.P.(MD)No.14904 of 2024

Dated:
14.02.2025