



W.P(MD)No17022 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :19.06.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.17022 of 2022

and

W.M.P(MD)No.12389 of 2022

S.Subramani

... Petitioner

.Vs.

1.The District Revenue Officer,
Additional District Administrative Magistrate,
Theni District,
Theni.

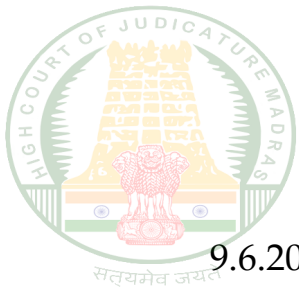
2.The Revenue Divisional Officer,
Periakulam,
Theni District.

3.The Tahsildar,
Periakulam,
Theni District.

4.Veerumallammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in his proceedings in Ni.Mu.No.12336/2021/D5, dated



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9.6.2022 and quash the same as illegal.

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For Petitioner : Ms.H.Jasima Yasmin

For Respondents : Mr.D.S.Nedunchezian
1 to 3 Govt. Advocate

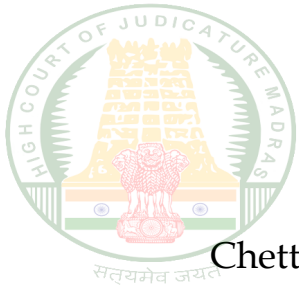
For Respondent-4 : Mr.H.Thayumanaswamy

ORDER

The Writ Petition is filed challenging the order passed by the first respondent cancelling the UDR entry in the name of the Petitioner and restoration of patta in the name of fourth respondent's father and 7 others as it stood prior to UDR updation.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, 0.72.0 hectares of land situated in S.NO.1987/1B, Devadanapatti Bit-II Village, Periyakulam Taluk, Theni District is the ancestral property of the Petitioner. The same was originally belong to one Kamatchi Chettiyar. The Petitioner claims right over the subject property under the second son of Kamatchi Chettiyar namely, Veeri Chettiyar. The fourth respondent herein claims right under the eldest son of Kamatchi



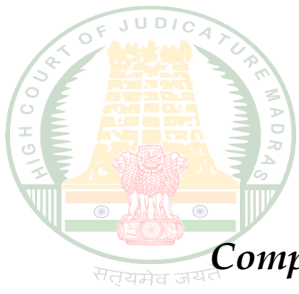
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Chettiyar namely Pa.Ka.Veeri Chettiar.

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4.According to the Petitioner, after the death of Kamatchi Chettiyar, his legal representatives orally partitioned the immovable properties owned by him and the subject property in S.No.1987/1B fell to the share of the Petitioner's father Subban Chettiyar. After the death of subban Chettiyar, the Petitioner got the subject property absolutely. Suppressing the said facts, the fourth respondent claiming herself as daughter of Veeri Chettiyar filed an application before the first respondent on 6.12.2021 as if entry in UDR records in favour of the Petitioner was an erroneous entry. The first respondent allowed the application filed by the fourth respondent and set side the UDR entry in favour of Petitioner and restored the revenue records in the name of eight persons including the name of the fourth respondent's father Veeri Chettiyar, without any basis.

5.It is vehemently contended by the learned counsel for the Petitioner that when there is a serious dispute with regard to the title of the subject property, the first respondent ought not to have passed the impugned order and he should have relegated the parties to work out their remedy before the competent civil forum. In support of his contention, the learned counsel for the Petitioner relied on a decision in the case of *Vishwas Footwear*



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Company Limited .vs. The District Collector, Kancheepuram

reported in 2011(5)CTC 94.

6.The learned counsel for the fourth respondent would submit that Subban Chettiyar mentioned in the patta produced by the Petitioner, is not the father of the Petitioner, but he belonged to the other branch. He also submitted civil suit filed by Petitioner against fourth respondent was dismissed as not pressed.

7.A perusal of the old patta produced by the Petitioner in the additional typed-set of papers, dated 25.3.2025 would indicate that Patta No.87 which was issued in the year 1974 in respect of S.No.1987/1B stood in the name of eight persons including the Petitioner's father Subban Chettiyar and the fourth respondent's father Veeri Chettiyar. In the impugned order, the first respondent has stated that the petitioner failed to produce any document to show that how he got exclusive right over the subject property from the original pattadhars mentioned in the old patta. Therefore the entry made in the UDR records as if the subject property exclusively belonged to the Petitioner was found to be without proper documents. Hence the first respondent cancelled the UDR entry exclusively in the name of the Petitioner and restored the



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revenue records in the name of eight persons mentioned in the old records prior to UDR updation. Even in the patta produced by the Petitioner in the additional typed set of papers would indicate that prior to UDR updation, the revenue records stood in the name of eight persons including the father of the Petitioner and fourth respondent. The Petitioner has not produced any documents to substantiate the allegation in the affidavit that there was oral partition in the family and the subject property was exclusively allotted to the Petitioner's father. Even assuming that there was oral partition, the revenue authorities cannot decide the validity of the same.

8.It *Vishwas Footwear case*, cited by the learned counsel for Petitioner, the Division Bench of this Court clearly held that revenue officials cannot decide the question of title. In the case on hand, Patta No.87, dated 27.6.1974, produced by Petitioner in his Additional typed set, dated 25.3.2025 clearly establish patta for the subject property originally stood in the name of 8 persons including fourth respondent's father Pa.Ka.Veeru Chettiar. The Petitioner claims, subject property was allotted to Petitioner's father Subban Chettiar under oral partition. The same is denied by fourth respondent. The revenue officials cannot go into the question of validity of oral partition pleaded by the Petitioner. It is



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also seen from typed set filed by fourth respondent that civil suit filed by Petitioner in O.S.No.12 of 2017, on the file of District Munsif, Periyakulam seeking injunction was dismissed as not pressed.

9.In such circumstances, the first respondent was justified in cancelling the UDR entry stood in the name of the Petitioner and restoration of the revenue records in the name of Veeri Chettiyar and 7 others, as it stood before the UDR updation. I find no error in the order passed by the first respondent.

10.For the reasons aforesaid, the Writ Petition stands dismissed. However, it is open to the Petitioner to establish his alleged exclusive right over the subject property, by filing appropriate suit before the competent Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

19.06.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

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S.SOUNTHAR.,J.

vsn

ORDER MADE IN

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