



W.P.(MD)No.20905 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.20905 of 2023

and

W.M.P(MD)Nos.17303 & 17304 of 2023

K.Renganayaki

... Petitioner

Vs.

1.The District Revenue Officer cum
Additional Magistrate,
Trichy.

2.The Revenue Divisional Officer,
Musiri Taluk, Trichy.

3.The Tahsildar,
Musiri Taluk,
Trichy.

4.Pitchamuthu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Na.Ka.No.A6/16784/2018 dated 26.12.2020 and quash the same.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mrs.K.Malathi
Additional Government Pleader
for R.1 to R.3

Mr.G.Sridharan for R.4

ORDER

The petitioner challenges the impugned order of the first respondent rejecting the application of the petitioner seeking the name of the private respondents to be removed and patta to be issued in the name of the petitioner, for the entire extent of 60 cents comprised in Survey Nos.98/10A, 98/10B and 98/10C, Alathur Village, Pattukottai Taluk, Thanjavur District.

2.I have heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the official respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3.The learned counsel appearing for the petitioner would submit that patta had been mutated for the first time in Patta No.258 in favour of



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the writ petitioner. However, when the said patta was subsisting, without notice to the petitioner, at the behest of the private respondents, patta has been mutated in the name of the private respondents after sub division reflecting mere 12 cents in the name of the petitioner and the remaining cents in the names of the private respondents. He therefore prayed for the impugned order being set aside and the matter being remitted to the first respondent for fresh consideration.

4.However, the learned counsel appearing for the fourth respondent would submit that the petitioner's predecessors in title were issued patta before 1984 and the petitioner has slept over the matter for all these years. It is also the case of the fourth respondent that sub division was made in the presence of the petitioner, that is, after putting the petitioner on notice and therefore it is not open to the petitioner to now contend that there is a UDR mistake which has to be corrected by the first respondent. He, therefore, pressed for dismissal of the writ petition.

5.Considering the fact that there is a rival dispute and also in view of the impugned order being passed without hearing both the petitioner



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as well as the private respondents, I deem it fit to set aside the impugned order and remit the matter to the first respondent for fresh consideration. The parties shall be given an opportunity by way of personal hearing, to put forth all their claims / objections and on enquiry, the first respondent shall first determine the mutation of patta in respect of the survey numbers in the name of the petitioner or in the predecessors interest of the private respondents and if the first respondent is of the view that the parties will have to only redress the grievances before the competent civil Court and it cannot be decided by the first respondent, then, the first respondent shall restore the patta in the name of the petitioner or private respondents depending on the first mutation in the revenue records in respect of Survey No.98/B10, that is, before sub division, and then, the parties may be directed to approach the competent civil Court for establishing their title in respect of the subject survey numbers in accordance with law. The first respondent shall conduct an enquiry and pass final orders as directed by this Court within a period of twelve weeks from the date of receipt of a copy of this order.



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6.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

20.03.2025

Index : Yes / No
NCC : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Revenue Officer cum
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Trichy.
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Musiri Taluk,
Trichy.
- 3.The Tahsildar,
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P.B.BALAJI, J.

MGA

Order made in
W.P.(MD)No.20905 of 2023

Dated:
20.03.2025