



W.P.(MD)No.17690 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.17690 of 2022

and

W.M.P.(MD)No.12891 of 2022

A.Valliammal

... Petitioner

vs.

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

2.The Revenue Divisional Officer,
Masjid Road, Sivagangai -630 562.

3.The Tahsildar,
Taluk Office, Mana Madurai – 630 606.

4.S.Poochiammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings in Pa.Mu.B4/13499/2021, dated 20.07.2022 and to quash the same as illegal and consequently, to direct the first respondent to rectify the erroneous entry made in the revenue records at the time of UDR survey in favour of the fourth respondent and restore the revenue



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records in the name of the original owner, viz., Chinnasamy Servai qua the land situates at S.No.1/2, Malavaraianeinthai Village, Mana Madurai Taluk, Sivagangai District.

For Petitioner	:Mr.M.Ajmal Khan Senior Counsel for M/s.Ajmal Associates
For R1 to R3	:Mr.D.S.Nedunchezian Government Advocate
For R4	:Ms.M.Sudha Rani

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the first respondent in his proceedings in Pa.Mu.B4/13499/2021, dated 20.07.2022 and to quash the same as illegal and consequently, to direct the first respondent to rectify the erroneous entry made in the revenue records at the time of UDR survey in favour of the fourth respondent and restore the revenue records in the name of the original owner, viz., Chinnasamy Servai qua the land situates at S.No.1/2, Malavaraianeinthai Village, Mana Madurai Taluk, Sivagangai District.



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2.Heard Mr.M.Ajmal Khan, learned Senior Counsel for the petitioner, Mr.D.S.Nedunchezian, learned Government Advocate for the respondents 1-3 and Ms.M.Sudha Rani, learned Counsel for the fourth respondent.

3.In the affidavit filed in support of this Writ Petition, the petitioner had stated that she was entitled to lands measuring 12 cents at S.No.1/2, Malavaraianeinthai Village, Mana Madurai Taluk, Sivagangai District. She claimed that it was her ancestral property of her father-in-law, Chinnasamy Servai. Ryotwari patta No.5 was granted during the land settlement period. She further claimed that the revenue records including “A” register stood in his name. After the death of her father-in-law, the land devolved on her husband Arjunan Servai and his brother Sonai Muthu. Her husband died on 10.05.1974.

4.She further claimed that she and her daughter inherited the share of her husband and has been in continuous possession. She had executed a sale deed in favour of the fourth respondent, S.Poochiammal, wife of Sevugan, registered as Doc.No.190/1979 in the jurisdictional Sub



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Registrar office with respect to 1.5 cents of land out of a total area of 12 cents.

5.It had been stated that the brother of her husband, Sonai Muthu had executed a sale deed relating to the property, which had devolved to him, in favour of one Dhanapalan, to an extent of 300 sq.ft., vide Doc.No.116/2006, dated 24.01.2006 on the file of the jurisdictional Sub Registrar Office.

6.Thus, the petitioner had executed one sale deed in favour of the fourth respondent and her brother-law-law/brother of the her husband had executed another sale deed for land measuring 300 sq.ft., in favour of Dhanapalan. After this, UDR survey had been taken place. It was stated that the fourth respondent had some how entered her name even with respect to the lands retained by the petitioner herein. Those lands had stood in the revenue records in the name of her father in-law, Chinnasamy Servai.



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7.Complaining about the said entry of the name of the fourth respondent, the petitioner had moved the first respondent/District Revenue Officer to correct the said entry and to further recognise that Chinnasamy Servai as the person in whose name, the revenue records should be reflected with respect to the lands under her holding.

8.The first respondent had conducted a detailed enquiry and I must point out that even according to the learned Senior Counsel appearing on behalf of the petitioner and the learned Counsel for the fourth respondent that sufficient opportunity had been granted. The reading of the impugned order would show that the first respondent had practically come to a conclusion that there was a mistake during the UDR survey and the name of the fourth respondent had been mistakenly entered, whereas, the correct name should be the father-in-law of the petitioner, Chinnasamy Servai. After recording as above and coming to that particular conclusion, the first respondent had actually reduced that conclusion in the following terms:

“இந்நேர்வில், செட்டில்மெண்ட் காலத்தின்
பட்டாதாரரிடமிருந்து பெறப்பட்டதற்கான எவ்வித ஆதார
ஆவணங்களின்றி நிலவுடைமைப் பதிவு மேம்பாட்டுத்
திட்டத்தில் வேறொரு நபரது பெயருக்கு தவறுதலாக பதிவு



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மாற்றம் ஏற்பட்டுள்ளது என்பது தெளிவாகிறது. முனதாரரின் இம்மேல்முறையீட்டினை நிலவுடைமை பதிவு மேம்பாட்டுத் திட்டப் பணியின் போது ஏற்பட்ட தவலை நிவர்த்திக்கும் பொருட்டு தாக்கல் செய்யப்பட்ட மேல்முறையீடாகவே இந்நீதிமன்றம் கருதவும் நேரிடுகிறது. இதுபோன்ற நிலவுடைமைப் பதிவு மேம்பாட்டுத் திட்டப்பணியின்போது ஏற்பட்ட தவறுகளை திருத்தம் செய்யும் பொருட்டு அரசாணை (நிலை) எண்:385, வருவாய் (பொது-3) துறை, நாள் 17.08.2004-ன்படி விசாரணை செய்து உத்தரவு பிறப்பிக்கும் அதிகாரம் மாவட்ட வருவாய் அலுவலருக்கு வழங்கப்பட்டுள்ளது.”

9.A reading of the aforementioned two paragraphs would indicate that the first respondent had come to a definite conclusion that there a mistake had crept in at the time of UDR survey. He had also come to a conclusion that he was the correct and proper authority to exercise the jurisdiction to rectify that particular mistake. When a quasi judicial authority vested with jurisdiction had determined a particular fact which is brought before him/her for adjudication, then the said authority should give a definite finding to the parties, who have adjudicated the issue before him/her.

10.In the instant case, the first respondent however did not take a decision in accordance with his own reasons. He then found a way out. He stated that the purchaser of the land of 300 sq.ft., from the brother of



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husband of the petitioner herein had instituted a suit and therefore, he said that the petitioner herein should also either institute a suit or get impleaded in that particular suit and adjudicate the issue. That reasoning of the first respondent has to be set aside. As stated earlier, a quasi judicial authority or any authority vested with authority to render a decision must render a decision in clear terms. Sending the parties back and directing them to agitate the issue before another forum would not be of any assistance to any of the parties.

11.Judicial review would lie not only on the nature of decision, which would lie on quite narrow grounds, but also on the procedure adopted. Here, though natural justice has been given, still directing the parties to go back and agitate the said issue, after coming to a specific conclusion, before a Civil Court, in my opinion is not proper.

12.I would therefore remit the matter back to the first respondent. The finding till the aforementioned paragraphs are retained. Thereafter, let the first respondent give a finding as to whether he or she would take a further step of correcting the entry UDR settlement or not. If he/she do,



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then it would be in accordance with the reasoning given. If he/she do not, let he/she give a reason as to why they would not so do. It would not be appropriate for him/her to direct the parties to agitate the issue before the Civil Court. Let a decision be taken by the first respondent in accordance with the reasoning given in the course of their order. The matter is therefore, remitted back to that limited extent to the first respondent. The first respondent may issue notice to the petitioner and to the fourth respondent and to anybody else concerned and take a firm decision about the rectification in the UDR settlement or not in the light of the reasonings already available on record. Such decision is to be taken within a period of six weeks from the date of receipt of a copy of this order.

13.The Writ Petition stands disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

23.03.2023

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C.V.KARTHIKEYAN, J.

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