



W.A.(MD)No.757 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)No.757 of 2024

and

C.M.P.(MD)No.5556 of 2024

Ramesh Babu

... Appellant

-Vs-

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District, Virudhunagar.
- 3.The Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.
- 4.The Tahsildar,
Aruppukkottai Taluk, Virudhunagar District.
- 5.Sahayaraj

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.12.2023 made in W.P.(MD)No.30509 of 2023 on the file of this Court.

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For Appellant : Mr.V.Sasi Kumar
For R1 to R4 : Mr.S.Saji Bino,
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by *R.SURESH KUMAR, J.*]

This intra-Court appeal has been directed against the order dated 20.12.2023 made in W.P.(MD)No.30509 of 2023.

2.The appellant with regard to the land in question received a proceedings / notice dated 27.03.2023 from the 2nd respondent District Revenue Officer, Virudhunagar, who was triggered by the 5th respondent, who seems to have filed a representation to the District Revenue Officer, Virudhunagar to make corrections in UDR Survey Register in respect of the land in question.

3.On receipt of such representation from the 5th respondent, the 2nd respondent issued the said proceedings dated 27.03.2023, which is nothing but a notice to the appellant / writ petitioner to respond. However, without responding the same, the appellant / writ petitioner had approached the Writ Court, challenging the said proceedings of the District Revenue Officer, Virudhunagar dated 27.03.2023.



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4.The learned Single Judge, who heard the said Writ Petition, disposed of the same by the impugned order, dated 20.12.2023, directing the appellant / writ petitioner to file an interlocutory application in the suit, which has already been filed by the appellant / writ petitioner in O.S.No.190 of 2023 on the file of the Sub Court, Aruppukottai, where prohibitory order can be sought for by the appellant / writ petitioner against the 2nd respondent / District Revenue Officer, Virudhunagar from proceeding further pursuant to the said notice dated 27.03.2023. Aggrieved over the said order, the present Writ Appeal has been directed.

5.Mr.V.Sasi Kumar, learned counsel appearing for the appellant would contend that no doubt, the District Revenue Officer, Virudhunagar is empowered to make corrections in UDR Survey Register, for which, if at all the 5th respondent had given any representation, before deciding the same, an opportunity to be given to the appellant / writ petitioner to hear, beyond which, the District Revenue Officer, Virudhunagar seems to have received a report from the concerned Revenue Divisional Officer as well as the Tahsildar, who are the respondents 3 and 4 herein, which is inter-departmental communication between them, under which, it seems that the Tahsildar and the Revenue Divisional Officer had given a



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report in favour of the 5th respondent, stating that the 5th respondent is entitled to have 50% share of the property in question and the remaining 50% share belongs to the predecessor in title of the appellant / writ petitioner.

6.If the District Revenue Officer, Virudhunagar, based on these reports takes a decision without giving an opportunity to the appellant / writ petitioner to object the said report received by the District Revenue Officer, Virudhunagar from the Revenue Divisional Officer and the Tahsildar, Aruppukottai Taluk, the rights of the appellant / writ petitioner would be prejudiced. Therefore, mainly on that ground, when the appellant / writ petitioner approached the Writ Court, the learned Single Judge had directed the appellant / writ petitioner to go before the civil Court to file an interlocutory application, seeking a restrained order against the District Revenue Officer, Virudhunagar. That approach, according to the learned counsel for the appellant, is erroneous and therefore, he seeks indulgence of this Court against the impugned order.

7.Heard Mr.S.Saji Bino, learned Special Government Pleader, who accepts notice on behalf of the official respondents, ie., the respondents 1 to 4 and who would submit that under the procedure in vogue, the District Revenue Officer is alone empowered to make corrections in UDR Survey Register and before



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whom, if any application is filed by anyone, seeking such a correction, the opposite party has to be heard, for whom notice to be issued. When such notice was issued, instead of responding the same, the appellant / writ petitioner had approached the Writ Court, where he was driven to go before the civil Court. Therefore, insofar as the power of the District Revenue Officer proceeding with the representation that has been given by the 5th respondent is concerned, it cannot be denuded by merely filing either Writ Petition or any other proceedings, as such a statutory power conferred on the District Revenue Officer cannot be taken away by such proceedings.

8. In view of the order that is going to be passed in this Writ Appeal, notice to the 5th respondent is dispensed with, as he was also not heard by the learned Single Judge before passing the order impugned.

9. The power of the District Revenue Officer to decide any quarry or request, insofar as the UDR Survey Register is concerned, is a settled one, where if any such request is come to the District Revenue Officer, he has to necessarily hear all the parties and take a decision.



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10. In this context only, the District Revenue Officer, Virudhunagar had issued the notice dated 27.03.2023, which should have been responded by the appellant / writ petitioner. Instead, he had approached the Writ Court.

11. Insofar as the apprehension, that has been raised by the appellant / writ petitioner that the District Revenue Officer, Virudhunagar has received the report from the Tahsildar and Revenue Divisional Officer, Aruppukkottai Taluk and without placing the same to the appellant / writ petitioner, on the basis of such report, if any decision is taken in favour of the 5th respondent by the District Revenue Officer, Virudhunagar, that would prejudice the interest of the appellant / writ petitioner, is concerned, this Court feel that such an opportunity can be given to the appellant / writ petitioner by the District Revenue Officer, Virudhunagar even to make objections to any such report received from the Revenue Divisional Officer or Tahsildar, Aruppukkottai Taluk by the District Revenue Officer, Virudhunagar. Therefore, to that extent, those reports, if received by the District Revenue Officer, Virudhunagar, the copy of the same has also to be given to the appellant / writ petitioner and after giving opportunity to the appellant / writ petitioner to respond the same, the District Revenue Officer, Virudhunagar can proceed further pursuant to the notice dated 27.03.2023.



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12. In that view of the matter, we are inclined to dispose of this Writ Appeal with the following order:-

(i) that the impugned order passed by the Writ Court dated 20.12.2023 is set aside;

(ii) As a sequel, there shall be a direction to the 2nd respondent / District Revenue Officer, Virudhunagar District to give the copies of the report, if any received either from the Tahsildar or from the Revenue Divisional Officer concerned on the issue as well as any other documents filed by the 5th respondent, to the appellant / writ petitioner and after supplying those documents, fair opportunity must be given to the appellant / writ petitioner to respond to those documents as well as the notice dated 27.03.2023, thereafter, a decision can be taken by the District Revenue Officer, Virudhunagar, after conducting enquiry involving both the appellant / writ petitioner as well as the 5th respondent; and

(iii) The aforesaid exercise shall be undertaken by the District Revenue Officer, Virudhunagar, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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13. With the aforesaid terms, this Writ Appeal is ordered. No costs.

Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] & [G.A.M., J.]
23.04.2024

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

Yuva

To

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District, Virudhunagar.
3. The Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.
4. The Tahsildar,
Aruppukkottai Taluk, Virudhunagar District.



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