

In the High Court of Judicature at Madras

Dated : 11.12.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.6230 of 2017

S.Damodaran

...Petitioner

Vs

1.The Revenue Divisional Officer,
Vellore, Vellore District.

2.The District Revenue Officer,
Vellore, Vellore District.

3.M.Punniyakotti

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for records in order dated 30.1.2017 in P.Mu.T3/574/2016 on the file of the second respondent and quash the same and consequently change the patta in No.435/1b in the name of the petitioner.

For Petitioner : No appearance

For Respondents 1 & 2 : Mrs.A.Sri Jayanthi, SGP

For Respondent-3 : No appearance

ORDER

None appears for the petitioner. Even on the two previous occasions, it has been noted that none appeared on behalf of the petitioner. I have heard Mrs.A.Sri Jayanthi, learned Special Government Pleader appearing for respondents 1 and 2.

2. The petitioner is aggrieved by the order passed by the second respondent dated 30.1.2017, by which, the appeal petition, filed by the petitioner to the second respondent questioning the correctness of the order passed by the first respondent dated 15.7.2013 making certain entries in the revenue records by including the name of the third respondent, was rejected.

3. The petitioner would contend that the first respondent passed the order on 15.7.2013 stating that the petitioner alone has a right to use the well, that suddenly, the third respondent cut down the trees, which were near the well, that he had given a police complaint, that a first information report was lodged and that during the enquiry, the third respondent produced a copy of the order passed by the second respondent dated 15.7.2013 stating that the third respondent also has a right in the well.

4. However, the petitioner was not put on notice and no information was given to him before inclusion of the name of the third respondent as a co-pattadhar. The appeal filed by the petitioner before the first respondent was considered on merits and a speaking order was passed.

5. The second respondent also filed a counter and he based his findings on a judgment and decree passed in O.S.No.478 of 1970 on the file of the District Munsif Court, Gudiyatham. It is further submitted the second respondent, who is the Competent Authority, to correct the mistakes under the Updating Registry (UDR) Scheme, is entitled to set aside the proceedings of the first respondent dated 15.7.2013 and direct necessary changes to be carried out in the village account, that if, according to the petitioner, he has an exclusive right over the well and if the inclusion of the name of the third respondent as a co-pattadhar is incorrect, then the petitioner should approach the competent civil court for necessary relief. The second respondent has gone by the documents placed before him, which are the judgment and the decree of a civil court. If, according to the petitioner, the said judgment is not binding on him, it is for him to move the civil court. Such a liberty was also granted in the order dated 30.1.2017 passed by the second respondent. Therefore, this Court finds no error in the impugned order.

6. Accordingly, the writ petition fails and is dismissed. However, the petitioner is at liberty to approach the civil court if so advised.

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Assistant Registrar

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Sub Assistant Registrar

RS

To

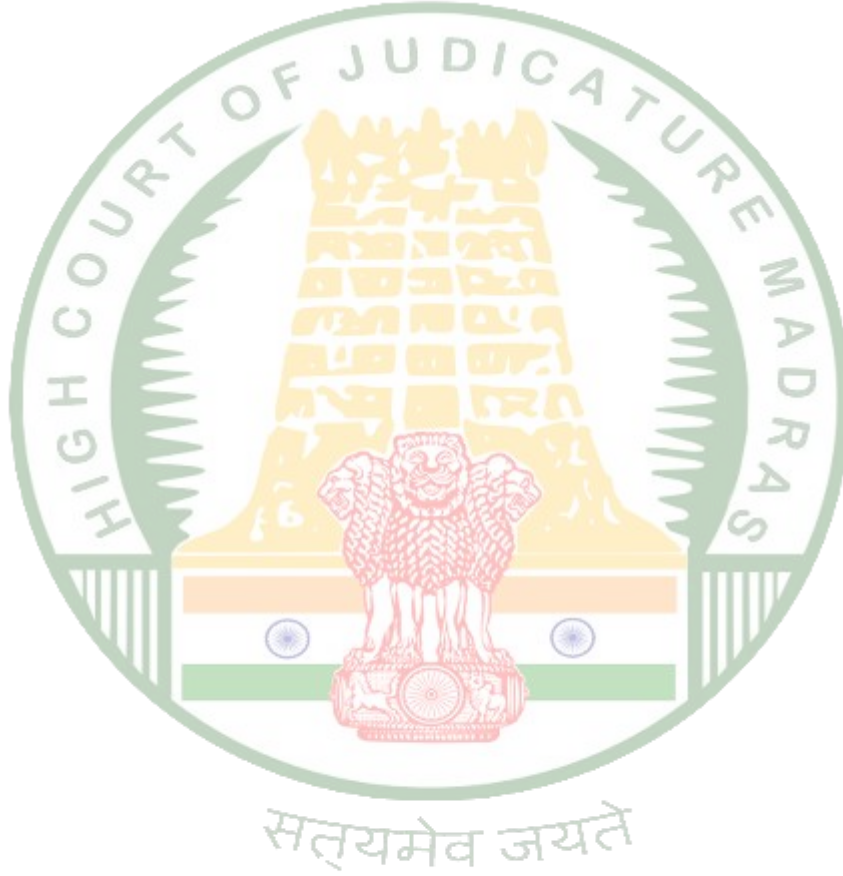
1.The Revenue Divisional Officer, Vellore, Vellore District.

2.The District Revenue Officer, Vellore, Vellore District.

+1cc to Government Pleader, High Court, Madras SR.No.103682

W.P.No.6230 of 2017

BR (CO)
GMY (30/01/2020)



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