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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.3564 of 2019
and
W.M.P.(MD)No.2790 of 2019

Lakshmi ... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Tahsildar,
Sankarankovil,
Tirunelveli District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.Aa10/7586/2018, dated 01.02.2019, passed by the 3rd respondent and quash the same and consequently direct the 2nd respondent to take appropriate action against the 3rd respondent.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The petitioner submitted an application to the District Revenue Office for correcting the mistake that said to have taken place during UDR scheme in respect of Survey No.525/8 in Kalappakulam Village. The petitioner's request was negatived by the Sub Collector, Tirunelveli, vide order, dated 27.10.2017. The same was challenged by the writ petitioner by filing W.P.(MD)No.25536 of 2018. This Court by order dated 27.12.2018, after setting aside the order dated 20.12.2018, directed the District Revenue Officer, Tirunelveli to hold a fresh enquiry and pass order. But strangely, once again the Tahsildar, Sankarankovil passed the impugned order, dated 01.02.2019.

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2.The order of Tahsildar, Sankarankovil is under challenge in this writ petition. When the applicant complains of UDR mistake, it is only the District Revenue Officer, who is competent to set right the same. The Tahsildar may of course submit his report in this regard for consideration of the District Revenue Officer. But then, final order will have to be passed only the District Revenue Officer. The Thasildar, Sankarankovil has no jurisdiction in this matter.

3.In view of this matter, the order passed by the Tahsildar, Sankarankovil is set aside and the District Revenue Officer, Tirunelveli is directed to pass orders on the petitioner's application, dated 05.10.2018, on merits and in accordance with law. The District Revenue Officer, Tirunelveli, shall hear all the parties before passing the final orders. It is made clear that this Court has not into the merits of the matter. The Writ Petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Tahsildar,
Sankarankovil,
Tirunelveli District.

+1 CC to M/s.M.RAMU, Advocate in SR-55161
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.55309

W.P.(MD)No.3564 of 2019
19.03.2019

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