



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.25407 of 2019

K.Subbulakshmi

... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

4.The Special Tahsildar,
Town Settlement Scheme,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

5.The Commissioner,
Srivilliputhur Municipality,
Virudhunagr District.

6.Srinivasachariyar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to complete the enquiry and rectify the error which was committed during UDR in T.S.No.2605/1, T.S.Ward No.1, Srivilliputhur Kasba Village, Srivilliputhur Taluk, Virudhunagar District and issue patta in favour of the petitioner by considering her representation dated 12.11.2011.

For Petitioner : Mr.G.R.Satish

For Respondents : Mr.M.Pandiarajan

Additional Government Pleader
for R.1 to R.4

: Mr.K.Janarthanan

for Mr.V.Jeyaprakash Narayanan
for R.5

ORDER

Mr.G.R.Sathish learned Counsel on record for writ petitioner is before this Court.

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2. Mr.M.Pandiarajan, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4 (official respondents) and Mr.K.Janarthanan, learned counsel representing Mr.V.Jeyaprakash Narayanan Counsel accepts notice on behalf of fifth respondent.

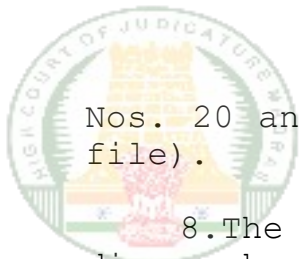
3.To be noted, sixth respondent is a private respondent. In the hearing, learned counsel for writ petitioner restricts his prayer to a plea of direction for disposal of representation within a time frame. From the abridged prayer it comes to light that an order, which is not adverse to the rights of sixth respondent (private respondent) can be passed, after making sufficient and adequate safeguards in this regard which shall be set out *infra* elsewhere in this order. Therefore, with the consent of learned counsel on record for the writ petitioner, learned Government Advocate who accepts notice on behalf of respondents 1 to 4 (official respondents) and learned Counsel for fifth respondent, main writ petition is taken up, heard out and is being disposed of.

4.The main writ petition now turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 12.11.2011 wherein writ petitioner has submitted that erroneous classification has occurred in revenue records during updation ie., UDR.

5. Notwithstanding several averments/ grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of instant writ petition / prayer in instant writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner dated 12.11.2011, details of which have been alluded to supra, more particularly in accordance with 'G.O.Ms.No.385, dated 17.08.2004'.

6. On the aforesaid representation dated 12.11.2011, the second respondent ie., jurisdictional Revenue Divisional Officer (RDO) vide communication dated 03.12.2012 bearing reference Oo.Mu./(A1)/7558/11 has directed the third respondent (jurisdictional Tahsildar) to conduct an enquiry and send a report. Be that as it may, as per 'G.O.Ms.No.385, dated 17.08.2004', the appropriate authority to look into complaints of erroneous classification qua UDR is the first respondent ie., the District Revenue Officer (DRO). Therefore, the second respondent on getting the report from the second respondent shall forward it to the DRO ie., the first respondent for disposal of the writ petitioner's 12.11.2011 representation.

7.Learned State Counsel submitted that first respondent is the authority who is competent to consider the aforementioned representation dated 12.11.2011 made by the writ petitioner (page



Nos. 20 and 21 of the typed set of papers forming part of the case file).

8.The aforementioned representation dated 12.11.2011 shall be disposed of by the first respondent on its own merits, in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall put on notice and give reasonable opportunity to such third party / parties or third party entity / entities, before disposing of the aforementioned writ petitioner's representation. It is also made clear with specificity that sixth respondent has to be put on notice and given a reasonable opportunity by the first respondent before taking a decision. To be noted, this is the safeguard qua rights of sixth respondent as alluded to supra. The authority concerned ie., first respondent shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

10.Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. Though obvious, it is also made clear that petitioner abridging the scope of instant writ petition and prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

11.The proceedings / order of disposal of aforementioned representation shall be communicated by the first respondent to the writ petitioner, sixth respondent and others concerned (if any) under due acknowledgement within seven (7) working days from the date of proceedings / order ie., seven working days from date of disposal.

12.Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

SSL

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To

- 1.The District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.
- 4.The Special Tahsildar,
Town Settlement Scheme,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

+1 CC to Mr.G.R.SATHISH, Advocate (SR-102556[F] dated 29/11/2019)
+1 CC to Mr.V.JAYAPRAKASH NARAYANAN, Advocate (SR-102882[F] dated
02/12/2019)
+1 CC to Spl.GP (SR-103009[F] dated 02/12/2019)

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