



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.01.2020
CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

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W.P.(MD).Nos.1613 & 1877 of 2020
and W.M.P.(MD).Nos.1330, 1331, 1408
and 1580 to 1582 of 2020

N.Sahul Hameed .. Petitioner in W.P.(MD).No.1613 of 2020
Hameeda .. Petitioner in W.P.(MD).No.1877 of 2020

Vs.

1. The District Collector,
Madurai District.
2. The District Revenue Officer,
Madurai District.
3. The Commissioner,
Madurai Corporation,
Madurai District.
4. The Tahsildar, Madurai North, Madurai District.
5. The Assistant Director of Survey,
Madurai District.
6. The Divisional Engineer,
(National Central Road Find Project),
National Highway, Madurai. .. Respondents in both petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned altered F.M.B dated 09.06.2006 and survey land register uploaded in the revenue digital records dated 10.08.2018 issued by the 5th respondent and 4th respondent in relevant to Survey no.84/1E 1F and 1G now as Town Survey No.91, situated in Sathamangalam Village, Madurai North Taluk, Madurai District and to quash the same as illegal and consequentially direct the 2nd respondent to restore the revenue records as prior to 09.06.2006.

For Petitioner	: Mr.M.Govindan
For Respondents	: Mr.A.Muthukaruppan
	for R1,2 and 4 to 6
	Additional Government Pleader
	Mr.R.Prabhu Ramachandran for R3
	(in both petitions)



COMMON ORDER

These petitions have been filed for issuing a Writ of Certiorarified Mandamus, to call for the records relating to the impugned altered F.M.B dated 09.06.2006 and survey land register uploaded in the revenue digital records dated 10.08.2018 issued by the 5th respondent and 4th respondent in relevant to Survey no.84/1E 1F and 1G now as Town Survey No.91, situated in Sathamangalam Village, Madurai North Taluk, Madurai District and to quash the same as illegal and consequentially direct the 2nd respondent to restore the revenue records as it was prior to 09.06.2006.

2.The petitioners in these two writ petitions are husband and wife. They stated that they are owners of the properties in S.No.84/1E, 1F and 1G of Sathamangalam, Madurai North, Madurai District. It is also stated that the property is in the enjoyment of the petitioners and their predecessors in interest for more than 70 years. It is further stated that in a writ petition filed by the petitioners earlier in W.P.No.19438 of 2000, the petitioners' ownership in respect of S.No.84/1A and 84/1B was accepted by the State and the Corporation of Madurai to the effect that lands are the patta land of the petitioners.

3.The petitioners contend that the Assistant Director of Survey, without any notice or holding any enquiry, altered the F.M.B by changing the ownership as well as the classification of the property of petitioners. According to the petitioners, the Assistant Director of Survey has wrongly classified the lands of petitioners as river poramboke by proceedings, dated 09.06.2006. Though the petitioners filed an appeal before the Revenue Divisional Officer, the same was also ended in failure as the Revenue Divisional Officer disposed of the appeal by order, dated 23.01.2013, against the petitioners.

4.The petitioners further states that they have preferred a revision before the District Revenue Officer in the year 2013 and it is pending for more than seven years. It is also stated that the District Revenue Officer called for a report from the revenue officials as regards the status and classification of the land and that the Tahsildar has submitted a report in favour of the neighbouring land owners and that no report has been received as far as the petitioner's land are concerned. Though the fifth respondent was recommended for grant of patta in respect of the petitioners' neighbours, no such report has been filed by the Assistant Director of Survey in respect of the petitioners' land. It is in the said circumstances, the petitioners are before this Court alleging that respondents are trying to form a road by making preparatory works.



5. Having regard to the contentions of the petitioners, this Court is of the view that the District Revenue Officer can be directed to dispose of the revision petitions filed by the petitioners and the respondents can be directed to maintain status quo till the appeal is disposed of.

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6. Accordingly, without expressing any opinion on the merits of appeal or the case of petitioners in the present writ petition, the second respondent is directed to consider the revision preferred by the petitioners as against the order of Revenue Divisional Officer, dated 23.01.2013 and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner and considering the documents and materials produced by the petitioners within a period of twelve weeks from the date of receipt of a copy of this order. The respondents are directed to maintain status quo till the order is passed by the District Revenue Officer as per the direction of this Court in this petition.

7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl.side)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Madurai District.
2. The District Revenue Officer,
Madurai District.
3. The Commissioner,
Madurai Corporation,
Madurai District.
4. The Tahsildar,
Madurai North,
Madurai District.
5. The Assistant Director of Survey,
Madurai District.



6. The Divisional Engineer,
(National Central Road Find Project),
National Highway, Madurai.

+2 CC to Mr.R.PRABHU RAMACHANDRAN, Advocate SR-3839, 3838

+2 CC to Mr.M.GOVINDAN, Advocate SR-3847, 3846

+1 CC to SPL.GP (SR-4320[F] dated 31/01/2020)

W.P.(MD) .Nos.1613 & 1877 of 2020
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MK (14.02.2020) 4P 12C