

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.26102 of 2012
and M.P.No.1 and 2 of 2012

Mahaboob
S/o.Makka Sahib

... Petitioner

Vs.

- 1.The District Collector,
Krishnagiri.
- 2.The Sub Collector,
Hosur, Krishnagiri District.
- 3.The District Revenue Officer,
Krishnagiri.
- 4.R.Venkatesan
S/o.Rangappa
- 5.The Superintendent of Police,
Krishnagiri, Krishnagiri District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the order dated 26.07.2012 in Na.Ka.No.36849 of 2011 (J2) of the 3rd respondent herein and quash the same.

For Petitioner : Mr.V.Manisekaran

For RR1 to 3 & 5 : Mr.Venkadesh Kumar
R4 : Mr.M.P.Saravanan

O R D E R

The order impugned in the writ petition is the order passed by the District Revenue Officer dated 26.07.2012. it is not in dispute that the District Revenue Officer is the competent person to correct any error or mistake during UDR.

2. Based on the prior revenue records the District Revenue Officer namely, the 3rd respondent in the writ petition has passed the impugned order after considering the A register and other revenue records before and after settlement. Since the name of the petitioner's predecessor in interest has been wrongly included in the UDR without there being corresponding entries as per prior revenue records, the District Revenue Officer approved the corrections which are required. The petitioner has filed the present writ petition challenging the order mainly on the ground that the Revenue officials have no authority to modify the records.

3. This Court is unable to countenance the argument of learned counsel appearing for the petitioner. The District Revenue Officer is competent to correct any mistake or error or omission in UDR. The UDR settlement is pursuant to an executive order passed by the Government in 1979. However, the revenue records should be maintained as per the settlement. The petitioner is unable to produce any revenue record except the patta that was issued pursuant to UDR. It is true that the revenue officials are not competent to modify the records under the Tamil Nadu Patta Passbook Act, unless the person who seeks modification on record is able to prove that his predecessor in interest was the registered land holder as per the prior records maintained by the revenue. In this instance, the petitioner has not produced any previous revenue records like Survey and Land Record or the A register prepared after settlement to trace his right. In such circumstances, the petitioner is not entitled to challenge the order of the District Revenue Officer. When the order was passed by the District Revenue Officer correcting the UDR, this Court cannot entertain the writ petition challenging the order without documents showing title through registered land holder. Unless the order impugned is contrary to the records prior to the settlement, this Court, cannot entertain the writ petition. The disputed question of facts relating to the rival claims can be agitated only before the Civil Court. Time and again it has been stated that the aggrieved person can only approach the Civil Court for his title or possession:

4. Accordingly, the writ petition is dismissed. However, liberty is given to the petitioner to approach the Civil Court to establish his title in the manner known to law. Upon getting the declaration of petitioner's title the revenue authorities are bound to modify the revenue records according to the Civil Courts Declaration in terms of Section 14 of Tamil Nadu Patta

Passbook Act. With the liberty preserved to the petitioner as indicated above, the writ petition is dismissed. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Krishnagiri.
- 2.The Sub Collector,
Hosur, Krishnagiri District.
- 3.The District Revenue Officer,
Krishnagiri.
- 4.The Superintendent of Police,
Krishnagiri, Krishnagiri District.

+1cc to Mr.V.Manisekaran, Advocate Sr.4492
+1cc to Mr.M.P.Saravanan, Advocate Sr.4297

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rsi[col]
srg 16/03/2021

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