



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17016 of 2021

and

W.M.P. (MD) .Nos.13947 & 13948 of 2021

Jayaraj

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

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

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4.R.Joseph Anthony Xavier

... Respondents

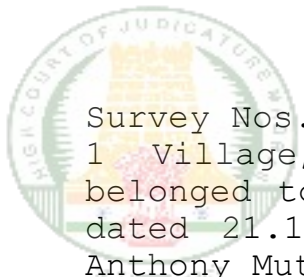
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for records pertaining to the impugned petition filed by the fourth respondent in h2/37947/2020 on the file of the 1st respondent praying to rectify UDR corrections in respect of the petitioner's properties and quash the same as illegal as the first respondent has no jurisdiction to entertain the same in view of the Decree dated 24.03.2020 passed in O.S.No.3 of 2020 on the file of the Sub Court, Valliyoor and for other reliefs.

For Petitioner	:	Mr.J.Lawrance
For R-1 to R-3	:	Mr.P.Subbaraj, Counsel for State.
For R-4	:	Mr.R.Maheswaran

ORDER

The petitioner seeks to quash the petition filed by the fourth respondent bearing No. h2/37947/2020 on the file of the first respondent.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The petitioner states that the properties bearing



Survey Nos.644/2, 644/3B, 724/13, 724/20 and 521/1 at Perungudi Bit-1 Village, Radhapuram Taluk, Tirunelveli District, originally belonged to his father, Chinnappan Nadar, by way of partition deed dated 21.10.1971. According to the petitioner, his grandfather, Anthony Muthu Nadar, died intestate on 09.07.1971 leaving behind the petitioner's grandmother, Cruz; father Chinnappan Nadar and Raja Vincent; and his two daughters, namely, Amala Pushpam and Santha as the legal heirs. The petitioner's uncle, Raja Vincent, sold the property allotted to him under a registered sale deed dated 10.10.1977. Subsequently, the petitioner's father repurchased the said property under sale deed bearing Document No.1497/1978. Thereafter, he died intestate on 28.06.2014 and his legal heirs including the petitioner, inherited the estate. Pursuant thereto, it is stated that a partition deed dated 08.07.2020 was executed by such legal heirs so as to apportion the properties among themselves.

3. The petitioner alleges that the fourth respondent filed a civil suit in O.S.No.3 of 2020 before the Sub Court, Valliyoor seeking partition of the above mentioned properties. The petitioner alleges that the fourth respondent also created a forged Will in respect of the relevant property and that there are criminal proceedings in relation thereto.

4. The petitioner states that the fourth respondent has filed the petition before the first respondent not to correct any discrepancies in the UDR records but to decide a title dispute. Therefore, the petitioner states that the first respondent does not have the jurisdiction to consider the said petition. The petitioner also states that he filed an application before the first respondent challenging his jurisdiction to adjudicate the petition. However, it is stated that the said petition has not been disposed of till date, whereas the first respondent is proceeding to adjudicate the main petition on merits.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and Mr.R.Maheswaran, learned counsel, accepts notice on behalf of the fourth respondent. Mr.P.Subbaraj submits that the petitioner has filed a counter before the first respondent. Therefore, no case is made out to interfere with the proceedings before the first respondent. Mr.R.Maheswaran submits that he should be provided a reasonable opportunity of hearing not only in the main petition but also in the application filed by the petitioner herein to challenge the jurisdiction of the first respondent.

6. The documents on record include the petition filed by the fourth respondent before the first respondent. The petitioner herein has filed a counter to such petition and dealt with the merits of such petition extensively. In addition, the petitioner has filed an application challenging the jurisdiction of the first respondent. In such application, the petitioner has contended that



the first respondent cannot decide title disputes under the guise of UDR correction and that the first respondent is not an appellate authority as against the order passed by the civil court.

7. The first respondent has been conferred authority to decide disputes pertaining to alleged discrepancies between pre-UDR records and UDR records. Although the petitioner asserts that the petition by the fourth respondent is for purposes of adjudicating a title dispute, it is not necessary to examine the said allegation in the present proceedings especially in the view of the fact that the petitioner herein has participated in the proceedings before the first respondent by also filing a counter on merits. At the same time, it should be taken note of that the petitioner has filed an application assailing the jurisdictional authority of the first respondent. Therefore, such application should be decided first by the first respondent.

8. For reasons set out above, W.P.(MD).No.17016 of 2021 is disposed of by directing the first respondent to first consider and dispose of the application filed by the petitioner herein challenging the jurisdiction of the first respondent. The said application shall be considered and disposed of within a period of one (1) month from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the fourth respondent herein. In the event the said application is dismissed, it will be open to the first respondent to proceed with the hearing of the matter on merits thereafter. There will be no order as to costs. Consequently, W.M.P.(MD).Nos.13947 & 13948 of 2021 are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
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Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



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3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-30082[F] dated 23/09/2021)

+1 CC to M/s.SPL. GP (SR-30023[F] dated 23/09/2021)

W.P (MD) No.17016 of 2021
22.09.2021

RD(29.09.2021) 4P 6C