



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17079 of 2021

and

W.M.P(MD) .No.14014 of 2021

WEB COPY

S.Muthuraj

... Petitioner

.Vs.

1.The District Sub-Collector,  
Virudhunagar District,  
Virudhunagar.

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

3.The Revenue Divisional Officer,  
Sivakasi Division,  
Virudhunagar District.

4.The Tahsildar,  
Sivakasi Taluk,  
Virudhunagar District.

5.Velammal

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proposal/recommendation of the first respondent dated 27.07.2021 in Na.Ka.A1/371/2021 and quash the same as illegal and consequently direct the third respondent to conduct an enquiry afresh by considering the case of the petitioner.

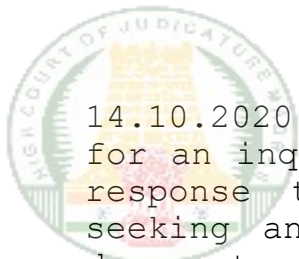
For Petitioner : Mr.A.Mohan

For R1 to R4 : Mr.K.S.Selva Ganesan,  
Counsel for State.

### **ORDER**

The petitioner challenges a proposal/recommendation of the first respondent dated 27.07.2021 in Na.Ka.A1/371/2021 and seeks a de novo inquiry by the third respondent.

2. The fifth respondent approached the third respondent seeking to cancel the patta issued in the name of the petitioner's mother, Ganapathiammal, by submitting an application on 18.10.2019. Upon receipt thereof, the petitioner states that the first respondent forwarded the application to the fourth respondent for inquiry and, in turn, the fourth respondent issued a notice dated



14.10.2020 by which the petitioner's mother was directed to appear for an inquiry on 24.10.2020 along with the relevant documents. In response thereto, a representation was submitted on 24.10.2020 seeking an extension of time for the production of the relevant documents. Subsequently, on 23.11.2020, the petitioner submitted written submissions by enclosing about eight (8) documents. The petitioner asserts that the impugned proposal/recommendation of the first respondent has been issued without taking the aforesaid written submissions or the documents annexed thereto into consideration. The present Writ Petition is filed assailing such proposal/recommendation on the above basis.

3. The dispute between the petitioner and the fifth respondent relates to alleged discrepancies in the UDR records. Therefore, jurisdiction is vested in the District Revenue Officer to deal with such applications. In the case at hand, the petitioner challenges a proposal/recommendation from the Sub-Collector. The basis of challenge, as indicated above, is that the written submissions and documents produced by the petitioner were not taken into account.

4. In order to provide a reasonable opportunity to the petitioner before a decision is taken by the District Revenue Officer, the petitioner is permitted to submit written submissions and produce all relevant documents before the jurisdictional District Revenue Officer within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the District Revenue Officer is directed to take the petitioner's written submissions and documents into account before disposing of the pending proceedings after providing a reasonable opportunity to the petitioner and the fifth respondent herein. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of the documents and written submissions from the petitioner. On account of the fact that the merits of the matter have not been gone into and because the District Revenue Officer has been directed to hear both the petitioner and the fifth respondent, the Writ Petition is disposed of without notice to the private respondent.

5. Accordingly, W.P.(MD).No.17079 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.14014 of 2021 stands closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg/LM

**W.P(MD)No.17079 of 2021**

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 Sub-Collector,  
Virudhunagar District,  
Virudhunagar.
- 2.The District Revenue Officer,  
Virudhunagar District,  
Virudhunagar.
- 3.The Revenue Divisional Officer,  
Sivakasi Division,  
Virudhunagar District.
- 4.The Tahsildar,  
Sivakasi Taluk,  
Virudhunagar District.

+1 CC to M/s.SPL. GP (SR-30198[F] dated 24/09/2021)

**W.P (MD) No.17079 of 2021  
23.09.2021**

GC(04.10.2021) 3P 6C