THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6561 of 2018
and
W.M.P.Nos.8155 and 8198 of 2018

Vadivammal ...Petitioner

vs.

1. The District Collector, Kancheepuram,
   Kancheepuram District.

2. The District Revenue Officer,
   Kancheepuram, Kancheepuram District.

3. The Revenue Divisional Officer,
   Chengalpattu.

4. The Tahsildar,
   Thirukalukundram Taluk,
   Kancheepuram District.

5. Raji

6. Siva Sankaran

7. Dharman ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records pertaining to the proceedings in Na.Ka.No.11064/2016/No.4 of the second respondent, the District Revenue Officer (DRO) Kancheepuram, dated 27.01.2017 and quash the same and consequently directing the second respondent to set-aside the revenue entries made under the UDR Scheme in respect of the properties bearing S.Nos.46/5, 48/5, 52/12, 52/17 and 52/18 of Nallanpillai Petran Village, Thirukulakundram Taluk, and restore the Revenue entries as stands before the implementation of UDR Scheme as recommended by the 3rd respondent, Revenue Divisional Officer (RDO), Chengalpattu within stipulated time.

For Petitioners	:	Mr.P.Thiagarajan
For R1 to R4	:	Mr.T.K.Saravanan Government Advocate
For R5	:	Mr.K.G.Vasudevan
For R6	:	Mr.Gunasekaran
For R7	:	Mr.V.Raghupathi

ORDER

The present writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the proceedings dated 27.01.2017 of the second respondent and consequently to direct the second respondent to set-aside the revenue entries made under the UDR Scheme in respect of the properties bearing S.Nos.46/5, 48/5, 52/12, 52/17 and 52/18 of Nallanpillai Petran Village, Thirukulakundram Taluk, and restore the Revenue entries as stands before the implementation of UDR Scheme as recommended by the third respondent within stipulated time.

2. It is the case of the petitioner that her father namely Manicka Naicker is the owner of the above said properties situated in said Village and Patta was also issued in favour of said Manicka Naicker. After his demise, petitioner is the owner of the above said properties. The grievance of the petitioner is that prior to the UDR Scheme, petitioner's father name was included in the Village Records. But after the implementation of the UDR Scheme by the State Government, the names of respondents 5 to 7 were wrongly entered in the Village Records. While so, the petitioner made a representation dated 06.07.2009, before the fourth respondent, seeking to include the name of said Manicka Nacker in the Revenue Records under the UDR Scheme, based on which, the third respondent submitted a report

dated 06.11.2015 before the second respondent recommending to re-issue patta in favour of the petitioner's father and after conducting enquiry the second respondent, passed the impugned order dated 27.01.2017 rejecting the petitioner's claim citing non-production of Adangal and Chitta for three years prior to the implementation of UDR Scheme and directed the petitioner to file a petition under Section 31(8) of the Revenue Standing Orders before the Sub-Collector for mutation of the Revenue Records. Challenging the same, the present Writ Petition has been filed seeking the aforesaid relief.

3. Learned counsel appearing for the petitioner submits that though the second respondent is the custodian of Revenue Records, he can very well call for records from the Revenue officials to ascertain as to whether the three years Adangal and Chitta immediately prior to the implementation of UDR Scheme is available or not and without doing so, the second respondent rejected the petitioner's claim *vide* impugned order dated 27.01.2017 which is *per se* unsustainable. Accordingly, he prayed to set aside the impugned order and pass appropriate orders.

4. Learned counsel appearing for respondents 1 to 4 submitted that the petitioner claims that prior to the UDR Scheme, the name of said Manicka Naicker appeared in the Revenue Records and after the UDR Scheme, the names of respondents 4 to 7 appeared in the Revenue Records. However, there was no records to prove whether the names of respondents 4 to 7 were wrongly entered in the Revenue Records and the petitioner failed to submit Adangal and Chitta for three years immediately prior to the UDR Scheme. Hence, the petitioner's claim for restoration of the Revenue entries as it stood prior to the implementation of UDR Scheme was rejected by the second respondent *vide* impugned order dated 21.01.2017. Accordingly, he prayed for dismissal of the present Writ Petition.

5. Learned counsel appearing for the respondents 5 to 7 submitted that admittedly the second respondent rejected the petitioner's claim *vide* impugned order dated 27.01.2017. Pursuant to which, the petitioner filed a petition before the Sub Collector, Chengalpet for the very same dispute, wherein the Sub Collector, Chengalpet *vide* order dated 25.01.2018 rejected the petitioner's claim and directed the petitioner to approach the competent

civil Court on the ground that the petitioner has not produced the kist receipts and other documents to prove her possession. Without challenging, the consequential order dated 25.01.2018 passed by the Sub Collector, challenging the previous order dated 27.01.2017 passed by the second respondent is not sustainable one. Hence they prayed for dismissal of the present Writ Petition.

6. As rightly pointed out by the learned counsel appearing for the private respondents that pursuant to the impugned order dated 27.01.2017, passed by the second respondent, the petitioner filed a petition before the Sub Collector, Chengalpet with regard to the very same dispute, wherein the Sub Collector, Chengalpet *vide* order dated 25.01.2018 rejected the petitioner's claim and directed the petitioner to approach the competent civil Court. Without challenging the consequential order dated 25.01.2018 passed by the Sub Collector, challenging the previous order dated 27.01.2017 passed by the second respondent is not sustainable one.

7. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out her remedy in the manner known to law. Consequently, connected miscellaneous petitions are closed. No costs.

22.09.2022

RAP

Index : Yes/No
Speaking order : Yes/No

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M.DHANDAPANI, J.

RAP

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