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W.P.(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.4132 of 2011

and

M.P. (MD) .Nos.1 of 2011 and 1 of 2012

V.Shanmuganathan

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai,
Madurai District.

2.The Tahsildar,
Melur,
Madurai District.

3.Pandiammal
4.Sakthi
5.Nathiya
6.Natryan
7.M.Karuppusamy
8.Kamalam

... Respondents

(R-3 to R-8 impleaded vide Court order dated 06.03.2020
in W.M.P.(MD).No.4137 of 2017)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings No.O.Mu.18018/2010A2 dated 15.02.2011 and quash the same and consequently direct the second respondent to submit the enquiry report after conducting enquiry as per the direction of the first respondent in O.Mu.No.39057/2008G2 dated 13.06.2008.

For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.D.Sasikumar,
1 & 2 Additional Government Pleader

(*) For R3 to R7 : Mr.S.A.Ajmal Khan

ORDER

The petitioner has challenged an order passed by the second respondent herein, under which his request for patta has been rejected.

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2. According to the petitioner, he is the owner of Survey Nos.362/14A and 362/14C in A.Kovilpatti Village, Kurichipatti Block Vellaloor, Melur Taluk. During UDR proceedings, instead of the petitioner's name, his relatives name have been erroneously included in the patta. Hence, the petitioner gave a representation to the District Revenue Officer on 13.05.2008 to rectify the said mistake. The District Revenue Officer called for a report from the Tahsildar on 13.06.2008. Instead of conducting an enquiry and sending report to the first respondent, the second respondent has proceeded to pass an order rejecting the request of the writ petitioner. The said order is under challenge in the writ petition.

3. It is a settled position of law that wherever discrepancies appear in the patta during UDR proceedings, the power is vested only with the first respondent and not with the second respondent to rectify the same. In the present case, without any jurisdiction, the second respondent has proceeded to pass the impugned order on 15.02.2011. Hence, the order is set aside and the matter is remitted back to the file of the first respondent for fresh consideration and passing of orders. The said exercise shall be completed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order after giving due opportunity to the writ petitioner and the rival claimants, if any.

4. This Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

(*)Corrected as per the order of this Court dated 01/08/2022 made in W.P. (MD) .No.4132 of 2011

Sd/-

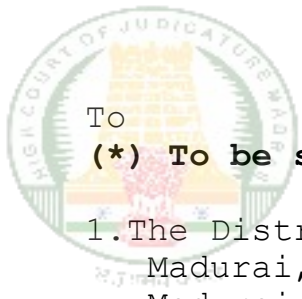
Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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W.P.(MD).



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To

(*) To be substituted to the order already despatched on 14/06/2022

1.The District Revenue Officer,
Madurai,
Madurai District.

2.The Tahsildar,
Melur,
Madurai District.

+1 CC to M/s.T. ANTONY ARUL RAJ, Advocate (SR-24313[F] dated
06/06/2022)

+1 CC to M/s.SPL.GP (SR-24389[F] dated 07/06/2022)

+1. CC to M/S.S.A.AJMAL KHAN, Advocate SR.No.35156

W.P. (MD) .No.4132 of 2011
06.06.2022

RK(13/06/2022) 3P 5C

RD(05/08/2022) 3P 6C