



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9008 of 2022

and

W.M.P. (MD)No.6484 & 8877 of 2022

WEB COPY

Vellankanni

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Tahsildar,
Taluk Office,
Manapparai,
Trichy District.

4.Thomas

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.Aa5/8553/2022, dated 31.03.2022 and quash the same.

For Petitioner : Mrs.P.Kalaiyarasi Bharathi

For R1 to R3 : Mr.K.Balasubramani

Special Government Pleader

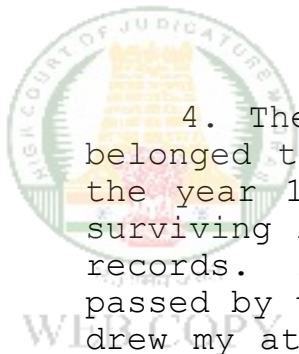
For R4 : Mr.A.Lourduraj

O R D E R

Heard the learned counsel on either side.

2. The order passed by the District Revenue Officer, Trichy, substituting the name of the 4th respondent in the place of the petitioner in the revenue records is under challenge.

3. According to the fourth respondent, in respect of the petition mentioned lands, the petitioner's name has been erroneously included and the same has to be set right. The case of the fourth respondent was accepted by the second respondent brushing aside the petitioner's objection. Questioning the same, this Writ Petition has been filed.



4. The stand of the petitioner is that the land in question belonged to his grandfather Maria Susai. The settlement record of the year 1927 reflects his name. Since the petitioner is the only surviving legal heir, his name was rightly entered in the revenue records. According to the petitioner's counsel, the impugned order passed by the second respondent is vulnerable on one more count. He drew my attention to O.S.No.28 of 2022 on the file of the District Munsif Court, Manapparai. He would argue that when the civil Court is seized of the matter, the second respondent could not have passed the impugned order.

5. Per contra, the learned Special Government Pleader as well as the counsel appearing for the private respondents submitted that the impugned order does not call for any interference.

6. I carefully considered the rival contentions and went through the materials on record.

7. The first objection that on account of the pendency of the civil suit, the second respondent herein ought not to have passed the impugned order cannot be accepted.

8. The fourth respondent had moved the second respondent seeking correction in the UDR. Since it was not disposed of, he filed W.P.(MD)No.1685 of 2022. In the said writ petition, the fourth respondent herein had impleaded the petitioner herein as the fourth respondent. Of-course, without notice to him, the writ petition was disposed of on 01.02.2022 by directing the second respondent herein to pass appropriate orders on merits and in accordance with law. Only after filing of the said writ petition, O.S.No.28 of 2022 came to be filed by the petitioner herein before the District Munsif Court, Manapparai. The petitioner did not ask for any declaratory relief. Instead, he sought only the relief of permanent injunction.

9. Therefore, in these circumstances, when there is a specific order of the Hon'ble High Court and the suit is only for the relief of injunction, the second respondent rightly proceeded with the matter. Pendency of the civil suit cannot be a bar for the second respondent to exercise his jurisdiction. In any event, a mistake that according to the aggrieved party had crept during UDR can be corrected only by the District Revenue Officer.

10. The learned counsel appearing for the fourth respondent states that the petitioner's grandfather originally owned the property in question. But he would state that the petitioner's grandfather sold the property in favour of one Thomai on 25.10.1933 (Document No.2341 of 1933). From the said Thomai, the fourth respondent's grandfather had purchased the property on 03.05.1937 (Document No.1012 of 1937). Thus, the fourth respondent has been able to place *prima facie* materials to show that the title had been



Since such material has been placed before me, I am not inclined to interfere with the impugned order passed by the second respondent.

11. It is for the petitioner to work out his rights before the jurisdictional civil court. No interference is possible in exercise of writ jurisdiction. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar (CS)

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To

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Tahsildar,
Taluk Office,
Manapparai,
Trichy District.

+1 CC to M/s.P. KALAIYARASI BHARATHI, Advocate (SR-27120[F]
dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27732[F] dated 23/06/2022)

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