



W.P.(MD)No.14963 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.14963 of 2022
and
W.M.P.(MD)Nos.10715 and 10716 of 2022

Chandra

... Petitioner

Vs.

- 1.The District Collector,
Trichirapalli Collector Office, Trichirapalli District.
- 2.The District Revenue Officer,
Trichirapalli Revenue Office, Trichirapalli District.
- 3.The Tahsildar, Manachanallur Taluk Office,
Manachanallur, Trichirapalli District.
- 4.The Revenue Tahsildar, Manachannlur, Trichirapalli.
- 5.The Block Development Officer,
Manachanallur Block Development Office,
Manachanallur, Trichirapalli District.
- 6.Thathamangalam Panchayat,
represented by its Head of Panchayat Union,
Thathamangalam, Manachanallur, Trichirapalli District.
- 7.V.Aathali
- 8.Komala
- 9.S.Mala
- 10.P.Tamilselvan

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order Moo.Mu.Aa1/30733/2020 which has been issued by the second respondent, dated 18.03.2022 and consider the representation, dated 06.05.2022 made by the petitioner regarding this issue for the appeal procedure towards the second respondent.

For Petitioner :Mr.S.B.Kayvin Prince

For R1 to R6 :Mr.J.Ashok

Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition has been filed challenging the impugned order of the District Revenue Officer, namely, the second respondent and for a direction to consider the representation of the petitioner, dated 06.05.2022.

2.Heard Mr.S.B.Kayvin Prince, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 6. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3.The petitioner states that she is the lawful owner of the properties in S.No.313/3A to an extent of 250 sq.mt., S.No.313/3B to an extent of 1410 sq.mt., S.No.313/3C to an extent of 140 sq.mt., and in S.No.313/3D to an extent of 30 sq.mt., in Thathamangalam, Manachanallur Taluk, Trichirapalli District. It is the definite case of the petitioner that she inherited the property from her parents, Muthukaruppan and Pariyaka. She has also produced old patta and other documents to show that the property is recognised to be in the holding of the petitioner's predecessor-in-interest.

4.It is stated by the petitioner that the respondents 3 and 4 herein made an attempt to describe the property in S.No.313/3A as a public road and hence, the petitioner approached the police station, where, the petitioner was advised to go before the Civil Court. It is admitted that the petitioner filed a Civil Suit in O.S.No.512 of 2015 before the Principal District Munsif Court, Lalgudi, as against the Panchayat and Manachanallur Union and private individuals for permanent injunction restraining the defendants from interfering with her peaceful possession and enjoyment of the suit property. It is seen that the petitioner has produced before the Civil Court, "A" register, adangal and other revenue documents to show that the suit properties in S.Nos.313/3A, 313/3B, 313/3C and 313/3D are in the holding of the



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petitioner as lawful owner. The suit filed by the petitioner was decreed.

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5.It is admitted that the disputed property or pathway is in the residential portion of the village. Despite Civil Court has declared the petitioner's right and granted permanent injunction, some individuals appear to have submitted a grievance petition on 21.12.2020 before the District Revenue Officer. The District Revenue Officer, by the impugned proceedings, had dealt with the rights of the petitioner without even considering the Civil Court decree, which was granted in favour of the petitioner. It is to be seen that the petitioner was not given any prior notice. However, the District Revenue Officer considered the order passed by a learned Single Judge of this Court in CrI.O.P(MD)No.13492 of 2020, wherein, a direction was issued to the police to consider the request of the petitioner to give police protection to the petitioner. Aggrieved by the same, the above Writ Petition is filed.

6.From the whole proceedings, it is seen that there is a dispute between the petitioner and other villagers with regard to the existence of a pathway in the lands, for which the petitioner has obtained patta. The District Revenue Officer has entertained the application filed by the private individuals to change the classification of the land and recommended to show the disputed property as a pathway in UDR

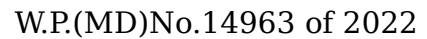
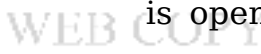


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7.This Court is of the view that the District Revenue Officer has no power to change the classification of the land on the basis of FMB prepared during UDR. Though the District Revenue Officer has power to modify or correct the mistake in UDR, the District Revenue Officer has no power to decide the existence of a pathway, when there is dispute with regard to the existence and usage of a land as pathway by the villagers. Further, when an order is passed affecting the civil rights of the petitioner, the District Revenue Officer ought to have given proper notice to the petitioner and other persons interested. Pursuant to the direction of this Court in CrI.O.P(MD)No.13492 of 2020, an Advocate on behalf of the petitioner has sent a notice to the official respondents. The Advocate's notice following the direction of this Court in CrI.O.P.(MD)No. 13492 of 2020 is referred to in the impugned order. However, the second respondent has not bothered to issue notice to the petitioner.

8.In these circumstances, the impugned order is unsustainable as it is in violation of principles of natural justice. Therefore, this Writ Petition is allowed and the impugned order passed by the second respondent, dated 18.03.2022 is quashed. It is open to the private respondents to establish their rights before the Civil Court, as to the



[S.S.S.R., J.] [S.S.Y., J.]
12.07.2022

cmr

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Trichirapalli Revenue Office, Trichirapalli District.
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