IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12908 of 2018
And
WMP Nos.15163, 15164, 30083 and 39210 of 2018

K.Duraisamy ... Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Collectorate,
Namakkal District.

2.The Revenue Divisional Officer,
RDO Office,
Namakkal District.

3.The Tahsildar,
Taluk Office,
Rasipuram,
Namakkal Distrcit.

4.S.Rajamammal ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to impugned proceedings of the first respondent in Na.Ka.No.420/2018/O1 dated 15.05.2018 and quash the same.

For Petitioner	: Mr.K.Sridhar
For Respondents-1 to 3	: Mr.C.Jayaprakash, Government Advocate.
For Respondent-4	: Mr.N.Umapathi

ORDER

The order dated 15.05.2018 issued by the first respondent-District Revenue Officer, Namakkal District, effecting changes in the revenue records based on the application submitted by the fourth respondent, is under challenge in the present writ petition.

2. The petitioner states that the petitioner inherited the subject property described in the present writ petition through the Partition/Release Deed of the year 1969. The petitioner is in possession and enjoyment of the

subject property and the fourth respondent is possessing the land behind the land of the petitioner.

3. The dispute regarding the pathway/Cart Track existed between the petitioner and the fourth respondent. Thus the fourth respondent preferred an appeal before the District Revenue Officer, since corrections are to be made in the UDR. The District Revenue Officer conducted an enquiry by affording an opportunity to all the parties concerned.

4. The findings of the District Revenue Officer in his order indicate that the fourth respondent Tmt.Rajamammal was using the Cart Track for the purpose of reaching their agricultural lands.

5. On verification of the Encumbrance Certificate in respect of Survey No.17/2, the land to an extent of 9 cents belonging to the fourth respondent, was not encumbered. More-so, the District Revenue Officer verified the document of the writ petitioner and accordingly, father of the writ petitioner Mr.Karuppanna Gounder was owning land to an extent of

2.00 Acres. Further, the petitioner has not produced any document to establish that the entire land is belonging to him or to his family. Thus the District Revenue Officer formed an opinion that the Cart Track exists, which was being used by the fourth respondent for the purpose of reaching their agricultural land.

6. The decision was taken after conducting survey by the Government Surveyor and based on the Survey Report submitted. The learned Government Advocate relying on the counter-affidavit filed by the third respondent, made a submission that the Divisional Inspector of Survey, Namakkal made personal inspection of the subject land and reported that the Cart Track in Western Side of the Survey No.17/2, running in North to South, was being used by the fourth respondent Tmt.Rajamammal and that the pathway belonged to Tmt.Rajamammal as per Document No.183 of 1919 dated 26.01.1919. Thus the Revenue Authorities could form an opinion that there was Cart Track, which was under the usage of the fourth respondent for the purpose reaching their agricultural land.

7. The writ petitioner has not produced any document to establish that the said portion of the land is owned by his father or by himself. If at all any such dispute of civil nature exists between the parties regarding title or ownership, the either of the parties may approach the Civil Court for the purpose of redressal of their grievances.

8. As far as the application submitted by the fourth respondent is concerned, the Revenue Authorities conducted the survey on verification of documents and after conducting an enquiry, rectified the error in the UDR Register and that being the factum, there is no reason to interfere with the orders impugned passed by the respondents. If at all the petitioner is of an opinion that he is title holder, then he is at liberty to approach the Civil Court in the manner contemplated.

9. Thus there is no impediment for the Revenue Authorities to effect necessary corrections based on the order of the first respondent-District Revenue Officer dated 15.05.2018.

10. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

30-08-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.

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