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W.P.No.20320 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20320 of 2023

and

W.M.P.Nos.19683, 19685 and 19686 of 2023

Pushpa

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri.

3.Poovan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice in Ni.Mu.No.12947/2021/U2 dated 01.06.2023 by the 2nd respondent and quash the same and further direct the 2nd respondent to conduct a fresh enquiry and pass appropriate orders only after providing the petitioner with an opportunity of personal hearing.



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For Petitioner	: Mr.I.Abrar Md Abdullah
For R1 & R2	: Mr.C.Jayaprakash, Government Advocate

ORDER

The order impugned dated 01.06.2023 passed by the 2nd respondent / the District Revenue Officer, Dharmapuri is under challenge in the present writ petition.

2. The writ petitioner states that she is the youngest daughter of one Kaveri Karuppan, who had purchased the property situated at Survey No.260, Andihalli Village, Dharmapuri Taluk vide Document No.3161 of 1971 dated 12.08.1971 measuring an extent of 40 Cents. He had also purchased another property situated at Survey No.262 and 263, Andihalli Village, Dharmapuri Taluk vide Document No.1245 of 1970 dated 13.04.1970 measuring 44 Cents and 64 Cents respectively. The father of the writ petitioner passed away on 22.02.2022 in Mumbai and surveyed by three daughters viz., Pappathi, Wife of Sadhasivam, Dhanalakshmi, wife of Chinnathambi and the writ petitioner.

3. Patta has been issued in favour of the father of the writ petitioner in



respect of the above stated properties vide Document No. 63. The father of the writ petitioner was in possession and enjoyment of the subject property till his lifetime.

4. The 3rd respondent filed an application to make necessary corrections in the UDR. The District Revenue Officer, Dharmapuri, on receipt of the petition from the 3rd respondent on 23.07.2021 had not initiated action immediately. Thus, the 3rd respondent / Mr.Poovan had filed a writ petition in W.P.No.23658 of 2022 for a direction to consider his application dated 23.06.2021 for UDR corrections for the land in S.No.260-1B, 262-2A, 263-2B situated at Seerampatti Village, Dharmapuri Taluk, Dharmapuri District. This Court passed final orders on 06.09.2022, directing the authorities to consider the representation submitted by the 3rd respondent / Mr.Poovan and pass appropriate orders on merits and in accordance with law after affording opportunity of hearing to the 3rd respondent, as well as to the aggrieved persons, if any, within a period of twelve weeks from the date of receipt of a copy of this order.



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5. Pursuant to the aforesaid directions of this Court dated 06.09.2022, the District Revenue Officer had issued an enquiry notice to the parties. The writ petitioner also submitted her statements and she has also sent representations. However, the writ petitioner filed a separate writ petition in W.P.No.4986 of 2023 and this Court passed an order on 21.02.2023, directing the 2nd respondent to give one more chance of personal hearing by giving two weeks from the date of receipt of a copy of the order to the petitioner by fixing a date for the purpose of projecting the case of the petitioner along with the documents he has already collected to substantiate the stand of the petitioner with regard to the issues raised therein and on receipt of such application on the date to be mentioned by the 2nd respondent. Liberty was granted to the petitioner to submit her further explanations, if any. Admittedly, the said order was made ready on 06.06.2023 and the writ petitioner received the copy of the order on 07.06.2023. Before communication of the order passed by this Court on 21.02.2023 in W.P.No.4986 of 2023, the 2nd respondent / District Revenue Officer passed the impugned order in the proceedings dated 01.06.2023 which was signed on 05.06.2023.



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6. Thus, the fact remains that the order passed by this Court in W.P.4986 of 2023 had not reached the office of the District Revenue Officer, Dharmapuri, and pursuant to the earlier order passed by this Court in W.P.No.23658 of 2022 dated 06.09.2022, he passed orders on merits and based on the statements given by the parties

7. The learned counsel for the petitioner mainly contends that further opportunity ordered by this Court has not been extended to the writ petitioner. This Court directed the District Revenue Officer to give one more opportunity to the writ petitioner. However, the said opportunity has not been given and therefore the order impugned is to be set aside.

8. The learned Government Advocate appearing on behalf of the 1st and 2nd respondents raised an objection by stating that opportunity was given to the petitioner and the petitioner has also submitted her statements during the course of enquiry and the statements given by the writ petitioner were considered by the 2nd respondent / District Revenue Officer, while passing orders. That being the factum, the writ petition is to be rejected.



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9. This Court is of the considered opinion that remanding the matter to the authorities is to be done only on exceptional circumstances. It is always preferable that the authorities decide the issues on merits and in accordance with law and the aggrieved persons have to prefer an appeal, if any, provided under the statute or approach the competent court as the case may be.

10. Contrarily, remanding the matter for further opportunity or frequent additional opportunities would cause unnecessary prejudice to either of the party, as there is a possibility of influencing the authorities or otherwise. Once the authorities have heard the parties and considered their statements / objections and passed order, even if the parties are of the opinion that some grounds are not considered or said order was passed erroneously, they are liberty to prefer an appeal or to approach the competent court of law. Remanding the matter would arise only if cryptic orders were passed by the authorities without considering any of the statements or explanations / objections submitted by the parties. As far as the present impugned order is concerned, the 2nd respondent / the District Revenue Officer has considered the statements of the parties and passed



orders on merits. If at all the petitioner is aggrieved, the petitioner has to approach the competent court as per the provisions of the statute in force.

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11. No doubt this Court has given such an additional opportunity merely based on the request made by the writ petitioners. However, the authorities competent i.e., 2nd respondent / District Revenue Officer has complied with the principles of natural justice, since the petitioner has filed her statements even during the enquiry and the enquiry was also conducted pursuant to the earlier directions of this Court passed in W.P.No.23658 of 2022 dated 06.09.2022. Parties repeatedly approaching the High Court for considering the applications need not be entertained by the High Court under Article 226 of the Constitution of India. Such directions to consider the applications would do no service to the cause of justice. The litigants would be back again to the High Court by way of further writ petitions even for submitting objections / explanations.

12. In the present case, the petitioner had submitted her explanation pursuant to the order dated 06.09.2022 in W.P.No.23658 of 2022 and the said statements given by the writ petitioner was also considered by the



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2nd respondent / District Revenue Officer and subsequently, a final order has been passed. Admittedly, the impugned final order has been passed on merits and therefore, if the petitioner is aggrieved, she is at liberty to approach the competent court of law for the purpose of resolving the issues in the manner contemplated.

13. With these observations, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

11.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The District Collector,
Dharmapuri District,
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2.The District Revenue Officer,
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S.M.SUBRAMANIAM, J.

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