



W.P(MD)No.3453 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3453 of 2023

and

W.M.P.(MD)Nos.3201 & 3202 of 2023

G.Selvaraj

... Petitioner

Vs.

1.The Tahsildar,
Kujiliyamparai Taluk,
Dindigul District.

2.R.Pazhanichami

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of the first respondent in Na.Ka.No.1133/2019/Aa1, dated 08.01.2021 and quash the same.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1
: Mr.S.Senthil for R2



W.P(MD)No.3453 of 2023

ORDER

Heard the learned counsel on either side.

2. The patta in respect of the petition mentioned property is presently standing in the name of the petitioner.

3. The stand of the second respondent is that a mistake had crept in during UDR and than it should be corrected. The second respondent appears to have submitted a petition before the District Collector, Dindigul. Based on the communication of the District Collector sent on 21.01.2020, the Tahsildar, Kujiliyamparai Taluk had sent the impugned communication dated 08.01.2021 to the Revenue Divisional Officer, Palani. It is put to challenge in this writ petition. The writ petition cannot be entertained for more than one reason.

4. The impugned communication is only a letter sent by the jurisdictional Tahsildar to the Revenue Divisional Officer, Palani. It is more in the nature of information as to who is in possession of the property. The impugned communication is not an enforceable order. Only if the authority concerned passes an order based on the impugned communication, the enforceable order can be put to challenge. While doing so, the averment set out in the impugned



W.P(MD)No.3453 of 2023

communication can also be questioned. Since the impugned communication has not culminated into an enforceable order, the question of entertaining the challenge does not arise at all.

5. Even according to the second respondent, a mistake took place during UDR. Such a mistake can be corrected only by the jurisdictional District Revenue Officer. Neither the Tahsildar nor the Revenue Divisional Officer can correct the UDR mistake.

6. The petitioner's counsel would state that based on the impugned communication, the second respondent has given a petition before the authority under the Registration Act and that he has received the notice. If that be so, the said notice can be independently challenged. No cause of auction has arisen.

7. With the aforesaid observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.02.2023

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.3453 of 2023

G.R.SWAMINATHAN, J.

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To

The Tahsildar,
Kujiliyamparai Taluk,
Dindigul District.

W.P(MD)No.3453 of 2023

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