



W.P.(MD)No.10783 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.10783 of 2020 &
WMP(MD)No.9491 of 2020

P.Maharajan

Vs.

... Petitioner

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Collector Office Campus,
Madurai District.
- 3.The Tahsildar,
Madurai North Taluk,
District Collectorate Campus,
Madurai District.
- 4.The Block Development Officer (Village Panchayat),
Office of the Block Development Officer,
Madurai West, Madurai District.
- 5.The President,
Office of the Thenur Village Panchayat,
Thenur Village Panchayat,
Madurai District.



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6.The President,
Office of the Thiruvudagam Village Panchayat,
Thiruvudagam Village Panchayat,
Madurai District.

7.The Village Administrative Officer,
Thenur Village,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to remove the wrong UDR classification as pathway from the revenue records in respect of old S.No.130/1, New S.No.10/1 in Thachampathy Village, Thenur II Bit, Madurai North Taluk, Madurai District and carry out the names of the petitioner and his family members in the revenue records in respect of old S.No.130/1, New S.No.10/1 in Thachampathy Village, Thenur II Bit, Madurai North Taluk, Madurai District in a time bound manner, consequently direct the respondents 5 and 7 not to disturb or interfere with the petitioner's possession and enjoyment of the land till such time.

For Petitioner : Mr.V.B.Sundhareshwar

For Respondents : Mr.D.Ghandiraj
Special Government Pleader
for R1 to R4, R6 and R7

Mr.J.Gunasekaran Muthiah for R5



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ORDER

The petitioner has filed the above writ petition for a mandamus directing the second respondent to remove the UDR classification which wrongly shows the revenue records in respect of old S.No.130/1, New S.No.10/1 in Thachampathy Village, Thenur II Bit, Madurai North Taluk, Madurai District as a pathway and on such removal to include the names of the petitioner and his family members in the same and consequently direct the respondents 5 and 7 not to interfere with the petitioner's possession and enjoyment of the land till such time.

2. The facts in brief are as follows.

2.1. It is the case of the petitioner that his family owns ancestral property measuring 12 cents in old S.No.130/1, New S.No.10/1 in Thachampathy Village, Thenur II Bit, Madurai North Taluk, Madurai District. These lands were purchased by his grandfather Sivaramu Pillai in the year 1951 under a registered sale deed dated 12.12.1951 bearing Document No.3840/1951. After the demise of his grandfather, the



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property devolved on his father Ponnusamy Pillai who died intestate and therefore, the property devolved on him and his family members. The petitioner and his family members are enjoying the properties jointly without any partition. While so, the respondents 5 and 7 are attempting to lay a water pipeline and in that process, they are attempting to create a pathway through the petitioner's patta land. Despite the petitioner bringing to the notice of the respondents 5 and 7 that the lands in question are their patta lands, the respondents are adamantly proceeding with the laying of the pipeline.

2.2. The petitioner thereupon verified the revenue records, where he came to learn that a portion of the land along the southern and eastern side are wrongly classified as pathway in the revenue records and FMB Sketch has also been prepared based on this wrong premise. The respondents 5 and 7 are taking advantage of this wrong entries and are now attempting to grab the lands belonging to the petitioner. The petitioner would submit that the properties are his ancestral properties and that he along with his family members have been enjoying the same



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all these years without any hindrance. Now by reason of this wrong entry, disturbance is created in their enjoyment and possession.

2.3. The petitioner would submit that he had sent a detailed representation to the respondents on 15.07.2020 through registered post to rectify the wrong UDR changes. In response to the representation, the Assistant Director (Panchayat), Madurai had vide proceedings dated 24.07.2020 in Na.Ka.No.0152/2020/A-4 directed the fourth respondent to make a spot inspection and find out if an alternate way can be formed for laying a pipeline without affecting the private patta land. Despite the direction, the fourth respondent failed to make spot inspection. The respondents 5 to 7 appears to be acting vindictively and the fifth respondent insists on laying water pipeline through the petitioner's patta land. Seeing the manner in which the respondents 5 and 7 were attempting to trespass high-handedly into the petitioner's land, he had submitted a representation to the first respondent. However, there was no response which has constrained the petitioner to approach this Court for a mandamus.



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3. A counter affidavit has been filed by the fifth respondent, wherein, the fifth respondent would submit that it is only on the basis of a classification shown in the UDR as pathway that the fifth respondent has taken steps to lay the pipeline. If the petitioner is aggrieved by the entry in the revenue records during the UDR, his remedy is only to file an appeal before the District Revenue Officer. However, such an appeal has not been filed to date.

4. Though the petitioner claims a larger relief, however taking into account the fact that the remedy available to the petitioner to question the reclassification is by filing an appeal before the District Revenue Officer and since the said exercise has not been undertaken till date, the writ petition is disposed of giving liberty to the petitioner to approach the District Revenue Officer, who has been arrayed as the second respondent herein. The second respondent shall treat the representation dated 15.07.2020 already given by the petitioner as an appeal and consider and dispose of the same within a period of six weeks from the date of receipt of a copy of this order.



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5. With the above direction, the writ petition is disposed of. No costs. Consequently the connected Miscellaneous Petition is closed.

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NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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- 6.The President,
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P.T.ASHA, J.

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