



W.P(MD)No.14075 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14075 of 2015
and
M.P.(MD)No.1 of 2015

P.Palaniyandavar

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District.

2.The Tahsildar,
Devakkottai Taluk,
Sivagangai District.

3.Subramanian @ Koothappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 1st respondent in Na.Ka.No.B1/1518/2011 dated 02.05.2012 and quash the same and further direct to the 2nd respondent to issue the patta to the petitioner and his family members in Survey Nos.153-1B-153-1C and 125-4.



W.P(MD)No.14075 of 2015

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 & R2.
Mr.VR.Shanmuganathan for R3.

ORDER

Heard the learned counsel on either side.

2.The contest is between the petitioner on the one hand and the third respondent on the other. The third respondent obtained mutation of revenue record in respect of the petition mentioned land at the hands of the Tahsildar, Devakottai. Aggrieved by the same, the petitioner moved the Sub Collector, Devakottai. The Sub Collector, Devakottai took the view that an error in UDR could not have been set right by the Tahsildar. Challenging the proceedings dated 27.06.2008 passed by the Sub Collector, Devakottai, the third respondent filed a revision before the District Revenue Officer, Sivagangai. The District Revenue Officer, Sivagangai vide proceedings dated 02.05.2012 set aside the order of Sub Collector, Devakottai and restored the order passed by the original



W.P(MD)No.14075 of 2015

authority. The District Revenue Officer, Sivagangai held that the Tahsildar had not set right any UDR error, on the other hand, he only brought the revenue record in line with the civil Court's decree. Challenging the same, the present writ petition came to the filed.

3.The order of the District Revenue Officer states that changes made by the Tahsildar, Devakottai are in consonance with the decree made in A.S.Nos.28 and 29 of 1993 on the file of the Sub Court, Ramanathapuram. But the copy of the said appeal decrees had not been enclosed in the typed set of papers. The petitioner has not demonstrated as to how the finding of the District Revenue Officer is not correct. The learned counsel for the third respondent had passed on the copy of the decree passed by the First Appellate Court. From a reading of the same, I am not able to come to any definite conclusion that there was correlation between what the decree says and what the Tahsildar has done. The facts are not clear. However, on this ground, I do want to interfere with the impugned order. This is because the burden is primarily on the petitioner and this burden has not been discharged for the present. Therefore, this writ petition is disposed with the following directions:-



W.P(MD)No.14075 of 2015

WEB COPY

(i) The matter is remitted to the file of the Tahsildar, Devakottai. The Tahsildar, Devakottai will issue notice to the petitioner as well as the third respondent and hold enquiry.

(ii) The issue will be decided afresh on merits and in accordance with law.

(iii) The impugned order will abide by the outcome of the said enquiry. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.14075 of 2015

To:-

- 1.The District Revenue Officer,
Sivagangai District.
- 2.The Tahsildar,
Devakkottai Taluk,
Sivagangai District.



WEB COPY



W.P(MD)No.14075 of 2015

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.14075 of 2015

25.09.2023