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W.P.(MD)NO.1818 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1818 of 2015 AND

M.P.(MD)No.2 of 2015

1. K.Paramasiva Mudaliar

2. N.Mani

... Petitioners

Vs.

1. The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

2. The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3. The Tahsildar,
Sankarankovil,
Tirunelveli District.

4. A.Murugesan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 1st respondent in O.Mu.(Ka.2)37487/2014, dated 16.12.2014, quash the same and consquently to direct the 1st respondent to consider the appeal given by the petitioners and



pass appropriate orders, including the names of the 1st petitioner as well the legal heirs of deceased K.Narayanan, the father of the 2nd petitioner in respect of the vacant land comprised in S.No.258/4B10, Sankarankovil, Tirunelveli District as stated in their representation dated 30.3.2009.

For Petitioner : Mr.C.Jeganathan

For R-1 to R-3 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-4 : Mr.F.X.Eugene

* * *

ORDER

Heard the learned counsel on either side.

2. The first petitioner, the father of the second petitioner and the father of the fourth respondent are siblings. The revenue record reflected the name of the fourth respondent alone. This change appears to have been made some time during UDR. Seeking inclusion of their names, the petitioners moved the District Revenue Officer, Tirunelveli. The impugned memorandum dated 16.12.2014 was issued relegating the parties to move the jurisdictional civil Court. Challenging the same, this writ petition has been filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned memorandum and grant relief as prayed for.

4. The learned Additional Government Pleader appearing for the official respondents and the learned counsel appearing for the fourth respondent submitted that the impugned memorandum does not call for interference. They pointed out that during UDR, an enquiry was conducted and based on the outcome of the said enquiry, the name of the fourth respondent was entered in the revenue record. The fourth respondent submitted that an oral arrangement had taken place among the Pangalies and that what happened some three decades ago ought not to be undone at this point of time.

5. I carefully considered the rival contentions and went through the materials on record.



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6. It is not in dispute that the revenue record originally reflected the names of three persons; Paramasiva Mudaliar, Narayana Mudaliar and Arumuga Mudaliar. The first petitioner is still alive. Narayana Mudaliar is none other than the father of the second petitioner. Arumuga Mudaliar is the father of the fourth respondent. Therefore, when the pattadars passed way, the name of the legal heirs must be entered. It is not known as to how the names of Paramasiva Mudaliar, Narayana Mudaliar got deleted, when mutation was made in favour of the fourth respondent. Following the demise of Arumuga Mudaliar, notice should have been issued to the other pattadars. There is nothing on record to show that the first petitioner and the father of the second petitioner were put on notice before the mutation was made in favour of the fourth respondent.

7. It is well settled that any error that had crept in UDR can be corrected by the District Revenue Officer at any point of time. The question of limitation will not arise at all. The petitioners rightly invoked the jurisdiction of the second



respondent. Instead of answering the issue on merits, the second respondent by a non-speaking order had relegated the petitioners to move the jurisdictional civil Court. Since I am satisfied that the revenue record originally reflected the names of the first petitioner and the father of the second petitioner, the order impugned in the writ petition is set aside. The revenue record shall reflect the name of the first petitioner and the legal heirs of K.Narayana Mudaliar and the fourth respondent. This correction shall be made by the third respondent within a period of six weeks from the date of receipt of a copy of this order. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

24.08.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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Tirunelveli,
Tirunelveli District.
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