



W.P(MD)No.20341 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20341 of 2015
and
M.P.(MD)No.1 of 2015

Mariaprakasam

... Petitioner

Vs.

1.The District Revenue Officer,
The District Collector Office Campus Pudukkottai,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.Pitchai

4.Ramachandran

5.Santhiyagu

6.Arulayee

... Respondents



W.P(MD)No.20341 of 2015

WEB COPY

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 Ne.Mu.12006/2009/D3 dated 08/10.2015 and quash the same as arbitrary and illegal and consequently direct the 1st respondent to enquire into the appeal petition afresh and decide the matter on merits.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 & R2.
Mr.N.Balakrishnan for R4 & R5.

ORDER

Heard the learned counsel on either side.

2.The petitioner applied to the District Revenue Officer, Pudukkottai for effecting mutation in the revenue record in respect of the petition mentioned survey numbers. The District Revenue Officer took



W.P(MD)No.20341 of 2015

the stand that if during UDR the mistake had crept in, he would be competent to correct the same. But if the mistake had crept in even before UDR, he will not be in a position to grant relief to the petitioner. After verifying the records, the District Revenue Officer, Pudukkottai relegated the petitioner to move the jurisdictional Civil Court. Challenging the said order dated 08.10.2015, the present writ petition came to be filed.

3.The learned counsel 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 grant relief as prayed for.

4.I called upon the learned Additional Government Pleader to produce the original “A” register in respect of Oonaiyur village. I verified each entry in respect of the petition mentioned survey numbers one by one. Except in the case of S.Nos.209/3 and 214/4 in respect of all other entries, the UDR merely reflects the original position. Chinnaiah Servai's name is mentioned in respect of S.No.209/3. The name of one Duraisamy Pillai is mentioned in respect of S.No.214/4. They are



W.P(MD)No.20341 of 2015

obviously not the ancestors of the writ petitioner. The writ petitioner is not their lineal descendant. The case of the petitioner is resting on the patta said to have been issued in favour of his ancestors during samasthanam regime. In such cases, the petitioner will have to necessarily move the jurisdictional Civil Court and establish his claim there. He cannot expect any relief at the hands of the revenue authorities or before the Writ Court.

5.I need to necessarily make one observation. Pursuant to the direction given by this Court, the department made available the old records. Because of the production of the old records, I was able to dispose of the matter within few minutes. But for their production, I would not have been in a position to do so. The old records have turned brittle. It is absolutely necessary to preserve them. I direct the District Collector, Pudukkottai to take up the task of digitalization of such old records. The old records will have to be scanned and uploaded in the concerned website or online portal. The records have to be archived and preserved for all times to come. It is hardly necessary to underline their importance. The civil rights of the parties are directly dependent on



W.P(MD)No.20341 of 2015

the entries found in such records. I am confident that this project will be taken up in right earnest by the District Collector, Pudukkottai.

6.Granted such liberty, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

21.08.2023

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

To:-

- 1.The District Revenue Officer,
The District Collector Office Campus Pudukkottai,
Pudukkottai.
- 2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.



WEB COPY



W.P(MD)No.20341 of 2015

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.20341 of 2015

21.08.2023