BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.353 of 2015
and
M.P.(MD)Nos.2 & 3 of 2015

1.A.Asokan

2.T.A.Harshini ... Petitioners

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhuangar District.

3.The Thasildar,
Sivakasi,
Virudhunagar District.

4.G.Srinivasan

5.Krishnasamy

6.Thiruvenkadam

7.Andal

8.Athilakshmi

9.Durairaj

10.Amsaveni

11.Subbulakshmi

12.Lakshmipriya ... 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 1st respondent in Ni. Mu. B2/52929/2013 dated 04.07.2014 signed on 18.07.2014 quash the same.

For Petitioners : no appearance

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

: Mr.A.V.Arun for R4 to R12

ORDER

None appeared for the petitioners on the previous occasion. The case was directed to be listed under the caption 'for dismissal'. Today also, there is no representation. Heard the learned Additional Government Pleader appearing for the official respondents and the learned counsel appearing for the private respondents.

2. I went through the contents of the affidavit filed in support of the writ petition as well as the materials enclosed in the typed set of papers.

3. The subject matter pertains to Survey Nos.438/2, 438/3 & 309/2B in Duraisamypuram hamlet, Kakkivadanpatti, Sivakasi Taluk. The revenue record in respect of the said survey numbers came to reflect the names of the petitioners during UDR. It is well settled that the authority competent to correct the UDR error is the jurisdictional District Revenue Officer. There is also no limitation prescribed for approaching the District Revenue Officer. The fourth respondent herein submitted application dated 26.11.2012 before the first respondent seeking to set aside the UDR entry. The District Revenue Officer issued notice to the petitioners herein. After hearing both sides, the District Revenue Officer noted that before UDR, the names of Thiruvengadasamy Naicker and Alvarammal were shown in respect of the said survey numbers. The names of the petitioners herein were not reflected in the revenue record before UDR. The District Revenue Officer came to be conclusion that the legal heirs of the original pattadhar should be entered. In that view of the matter, the names of the private respondents numbering 8 were entered as joint pattadhars and the names of the petitioners were ordered to be deleted.

4. The 4th respondent has filed typed set of papers enclosing patta pass book in respect of the petition mentioned survey numbers. The patta pass book

was issued in the name of the grandmother of the fourth respondent namely Mrs.Alvarammal.

5. I am satisfied that the District Revenue Officer adopted the correct approach. In any event, if the petitioners are aggrieved, it is always open to the petitioners to move the jurisdictional civil court for establishing their rights.

6. With this liberty to the petitioners, the order impugned in the writ petition is sustained. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.09.2023

Index : Yes / No
Internet : Yes/ No
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To

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhuangar District.

3.The Thasildar,
Sivakasi,
Virudhunagar District.

G.R.SWAMINATHAN, J.

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