



W.P(MD)No.29197 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29197 of 2023

and

W.M.P.(MD)No.25254 of 2023

P.Rajadurai

... Petitioner

Vs.

1.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai.

2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

3.The Tahsildhar,
Thoothukudi Taluk Office,
Thoothukudi District.

... 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 relating to the impugned proceedings passed by the 2nd respondent herein in Na.Ka.No.D6/23394/2016, dated 11.07.2022 and quash the same as illegal and consequential direct the



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2nd respondent herein to rectify the UDR mistakes and to issue joint patta in the name of legal heirs deceased Karuppasamy in respect of lands in Survey No.123/1 and 123/2 situated at Maravan Madam Village, Thoothukudi, within the time limit fixed by this Court.

For Petitioner : Mr.A.L.Kannan

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner alleges that there has been commission of an error during UDR. It is the District Revenue Officer who is the authority competent to pass an appropriate order. The petitioner's brother Gandhi Rajan applied to the second respondent in this regard. He passed away on 03.02.2022. The impugned order came to be passed on 11.07.2022. The impugned order states that since sufficient materials have not been placed, the request was rejected. Challenging the same, the present writ petition came to be filed.



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3.The learned counsel for the petitioner makes it clear that he is not entering into the merits of the matter. He only wants an order of remand. He is ready to produce the materials in support of the prayer originally made.

4.Taking note of the fact that the applicant was the petitioner's brother and he passed away during pendency of the enquiry and that is why, the order came to be passed, I am inclined to take an indulgent view. The impugned order is set aside and the matter is remitted to the file of the second respondent. The petitioner shall appear before the second respondent on 02.01.2024 at 03.00 pm. The second respondent shall resume the enquiry. The second respondent will give opportunity to the petitioner place all the relevant materials. Final order on merits and in accordance with law will be passed within a period of twelve weeks thereafter. I make it clear that I have not gone into the merits of the matter.

5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.



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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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