IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.1753 of 2024 and
W.M.P. No.1807 of 2024

Vijaya Kumar ... Petitioner

Vs.

1. The District Revenue Officer
   District Collector Office
   Karuppa Gaundapalayam
   Tiruppur District

2. The Revenue Divisional Officer
   Colelctor Office Master Plan Complex,
   2nd Floor, Palladam Road,
   Tiruppur HO.,
   Tiruppur - 641 601

3. The Tahsildar (Tiruppur South)
   Tiruppur South Taluk Office
   Sevanthampalayam
   Tiruppur - 641 606

4. P.Selvaraj ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for he records pertaining to the Ne.Mu.No.03817/2022/J1 issued by the 1st respondent dated 19.01.2023 and quash the same as contrary to law and consequentially direct the 1st respondent to revive the subdivision as per order of the 3rd respondent in TR2020/32/08/000084SD dated 13.05.2020 by measuring the lands as per the documents of the petitioner and of the 4th respondent by appreciating the above stated facts.

For Petitioner : Mr.C.Ramaraj

For R1 to R3 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for he records pertaining to the Ne.Mu.No.03817/2022/J1 issued by the 1st respondent dated 19.01.2023 and quash the same as contrary to law and consequentially direct the 1st respondent to revive the sub-division as per order of the 3rd respondent in TR2020/32/08/000084SD dated 13.05.2020 by measuring the lands as per the documents of the petitioner and of the 4th respondent by appreciating the above stated facts.

2. The petitioner has filed the present writ petition challenging the order passed by the 1st respondent/District Revenue Officer stating that he had got the property covered in S.F.No.132/1C2C and 132/1C2B by way of Will and decree. As per the decree passed by the District Munsif, Tiruppur, in O.S.No.244 of 2000 dated 18.12.2019, the petitioner is entitled to 0.35 cents. As per the decree, the petitioner gave proper application for sub division and

the Taluk Surveyor measured the property as per the decree and fixed the boundaries and then sub division was made and a separate Patta No.1990 was issued by the Tahsildar by his proceedings dated 28.02.2020. Challenging the same, the 4th respondent filed an appeal before the RDO/2nd respondent stating that his 0.11 cents was added by the petitioner along with his property and the RDO allowed the appeal and set aside the order passed by the Tahsildar. Aggrieved by the same, the petitioner filed a revision before the District Revenue Office/1st respondent and the same was dismissed. The learned counsel for the petitioner submitted that though the Tahsildar rightly appreciated and granted a separate Patta to the petitioner, the appellate authority and the Revisional authority have failed to appreciate the documents and set aside the order of the Tahsildar. Hence, the present writ petition is filed before this Court.

3. Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. Since, no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. The learned Additional Government Pleader appearing for the

official respondents submitted that the 4th respondent is not party to the decree and therefore, the decree would not bind the him. Though the Tahsildar failed to consider the said facts, however, the RDO and DRO rightly considered the same and set aside the order passed by the Tahsildar. Therefore, there is no merit in this Writ Petition and there is no illegality or erroneous in the revision order passed by the DRO.

5. Heard and perused the materials available on record.

6. Admittedly, the petitioner has got a compromise decree in which the petitioner entered into a compromise with the defendants and according to which, 35 cents in 'A' Schedule property was allotted to the petitioner. However, in the application filed before the Tahsildar and in the suit filed by the petitioner, the 4th respondent herein who is the appellant in the appeal filed before the RDO, was not a party and therefore, the decree obtained by the petitioner, would not bind the fourth respondent. Therefore, the RDO and DRO rightly rejected the claim of the petitioner and set aside the order of the Tahsildar. This Court does not find any perversity or illegality or erroneous in the order passed by the revisional authority.

7. Accordingly, this Writ Petition is dismissed at the admission stage itself. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

30.01.2024

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No

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P.VELMURUGAN. J.

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