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W.P.No.30889 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30889 of 2024

P.Senguttuvan

...Petitioner

Vs.

1. The District Collector,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri.
3. The Revenue Tahsildar,
Palacode, Dharmapuri District.
4. D.Marudan
5. Muthusamy
6. Durai arasu
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings dated 17.05.2024 in Na.Ka.No.429/2024/A4 of the third respondent herein, quash the same and consequently, direct the third respondent to transfer the patta in respect of the land of an extent of 0.44.0 hectares in survey No.70/1A1, Thomalahalli Village, Palacode Taluk, Dharmapuri District in the name of the petitioners herein.



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For Petitioner : Mrs.AL.Gandhimathi,
Senior Advocate
for Mr.L.Palani Muthu
For R1 to R3 : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein has filed this writ petition challenging the order passed by the third respondent negating his request for correction of revenue records pertains to survey no. No.70/1A1, Thomalahalli Village, Palacode Taluk, Dharmapuri District.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 3, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that an extent of 11.08 acres of land in survey No.70/1 and 1 acre in survey No.70/2 originally belonged to grandfather of the petitioner namely T.K.Gopal. He gifted 1 acre of land in survey No.70/2 to Boomidhan Board. Later, he gifted 11.8 acres of land in survey No.70/1 equally in favour of his two sons namely Panneerselvam and



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Nakeeran and the said survey number was subdivided as 70/1A in the name of Panneerselvam and 70/1B in the name of Nakeeran. However, 4.53 acres of land belonged to Panneerselvam in survey No.70/1A1 was wrongly subdivided and 1 acre of land was classified as Bhoomidhan land, during the UDR updation. Therefore, the petitioner's father Panneerselvam submitted a representation before the first respondent seeking deletion of the entry in favour of Boomidhan and register the patta in his name and the same was not considered. Therefore, the petitioner and the purchaser of the portion of the property from the petitioner's father, filed a writ petition in WP.No.32117 of 2023 seeking a direction to the respondents to consider the representation of the petitioner's father dated 27.08.2019.

4. The said writ petition was allowed and based on the submission made by the learned Additional Government Pleader, this court directed the third respondent to consider the representation dated 27.08.2019. Pursuant to the direction issued by this Court, the third respondent conducted the enquiry and passed impugned order stating that the second respondent is the competent authority for effecting correction in the UDR records and therefore, the petitioner shall approach the second respondent to redress his grievances.



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Aggrieved by the same, the petitioner has come before this Court.

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5. The learned counsel appearing for the petitioner submitted that though the third respondent in his order directed the petitioner to approach the District Revenue Officer for redressal of his grievance, the observation recorded by the third respondent in his order, will affect the rights of the petitioner before the second respondent.

6. Mr.P.Sathish, learned Additional Government Pleader, who takes notice for the respondents would submit that the correction of the UDR can be done only by the District Revenue Officer. Therefore, the petitioner should approach the second respondent.

7. It is seen from the records, the representation submitted by the petitioner's father on 27.08.2019, seeking correction of UDR records and restoration of patta in his favour in respect of the land in survey No.70/1A after deleting the wrong entry in favour of Boomidhan. Pursuant to the representation, the second respondent initiated an enquiry in his proceedings in Na.Ka.No.14434/2019/B4 dated 26.10.2022. It appears that the second



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respondent has not passed any order till date.

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8. Therefore, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the second respondent to complete the enquiry in his proceedings Na.Ka.No.14434/2019/B4 dated 26.10.2022 and pass final orders, on its own merits, after issuing notice to the petitioner and other interested parties, including the competent authority representing Boomidhan Board within a period of twelve weeks from the date of receipt of copy of this order. It is also made clear that the third respondent having held that he was not competent to correct the entry in the UDR records, ought not have made any observation on the merits of the matter. Hence, this court directs the second respondent to consider the representation of the petitioner independently on it's own merits, without being uninfluenced by any observation made by the third respondent.

9. With the above direction, this Writ Petition is disposed of. No costs.

23.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order



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S. SOUNTHAR, J.

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