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W.P.(MD)NO.17087 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17087 of 2020

A.Muthusamy

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sathur, Virudhunagar District.
4. The Tahsildar,
Rajapalayam,
Virudhunagar District.
5. The Conservator of Forests,
Virudhunagar Circle,
District Collectorate Office Campus,
Virudhunagar – 625 002.
6. The Wildlife Warden,
Grizzled Squirrel Wildlife Sanctuary,
Opp. Aavin Milk, Madurai Road,
Pillaiyarnatham Post,
Srivilliputhur-626 101.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the



records relating to the impugned proceedings of the 2nd respondent in Ni.Mu.Aa2/26157/2017 dated 14.09.2020 and quash the same and consequently directing the respondents 2 to 4 to grant patta in favour of the petitioner for the agricultural land in Old Survey No.172/1, New Survey No.68/1, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar District measuring an extent of 2 acres and 48 cents.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. The petition-mentioned land has been classified as “Kaadu(Forest)”. It has also been classified as “Sarkar poramboke”. Acting under the impression that erroneous classification was made during UDR, the petitioner filed petition before the District Revenue Officer, Virudhunagar. The petition was dismissed on 14.09.2020. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that in SLR as well as resurvey and the settlement register, the land in question has been mentioned as “Jameen



Punchai”. The petitioner's grandfather has been shown as pattadar. He called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned Special Government Pleader took me through its contents. He submitted that even before UDR, the land in question has been classified as “Sarkar poramboke (Kaadu)”. The impugned order does not call for any interference. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. I am more than satisfied that no mistake stood crept during UDR. If there has been UDR error, the District Revenue Officer can assume jurisdiction to correct the same. In this case, there is no UDR error and that therefore the very invocation of the jurisdiction of the District Revenue Officer appears to be misconceived.

7. It is true that the land in question was originally classified as “Jameen Punchai” and that the petitioner's grandfather's name was shown as pattadar. The materials on record indicate that during the settlement proceedings, the property came to be classified as Sarkar poramboke (Kaadu)”. Of course the order passed during the settlement proceedings



are not final and it is always open to the aggrieved party to establish his or her preexisting rights only before the jurisdictional civil Court. The jurisdiction of the civil Court is intact in such matters. Therefore, even while declining to interfere with the order, liberty is granted to the petitioner to establish his rights in the manner known to law. With this liberty, this writ petition stands disposed of. No costs.

12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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G.R.SWAMINATHAN,J.

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