



W.P(MD)No.17243 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17243 of 2023

and

W.M.P.(MD)No.14443 of 2023

O.M.SP.L.SP.Lakshmanan @ SP.Lakshmanan,
Rep. through his Power of Attorney,
N.Ramesh.

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai Collectorate.

2.The District Revenue Officer,
Sivagangai District Collectorate,
Sivagangai.

3.The Revenue Divisional Officer,
Devakottai Revenue Divisional Office,
Devakottai, Devakottai Taluk,
Sivagangai District.

4.The Tahsildar,
Devakottai Taluk Office,
Devakottai,
Devakottai Taluk,
Sivagangai District.

5.The Commissioner,
Devakottai Municipality,
Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 5th respondent not to dump the garbage into the petitioner's property comprised in Town Survey No.M/5/21 of Eruvusery Group, Devakottai Municipality, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.V.Angusamy

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader for R1 to R4.
Mr.K.R.Bharathi Kannan for R5.

ORDER

Heard both sides.

2.The petitioner wants this Court to restrain the Devakottai Municipality from dumping garbage in the petition mentioned land. It is seen that the revenue record reflected the name of Subramanian Cheetiar originally. But during UDR, the land has been reclassified as “sarkar poramboke and unassessed”. Thus, as on date, the revenue record does not indicate the name of the petitioner or his siblings. An UDR error has to be corrected by the District Revenue Officer.



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3.The petitioner had submitted petition before the Special Tahsildar, Devekottai. But the authority competent to make the correction will be the District Revenue Officer, Sivagangai. The petitioner is permitted to submit a fresh representation before the District Revenue Officer, Sivagangai seeking correction of the UDR error. If the District Revenue Officer is satisfied with the petitioner's claim, correction shall be made accordingly. If correction is made as requested by the petitioner and patta is also issued, then the fifth respondent municipality cannot dump garbage in the land thereafter. The relief sought for in this writ petition will depend the petitioner's success before the District Revenue Officer, Sivagangai. The District Revenue Officer, Sivagangai shall conduct enquiry, peruse all the relevant revenue records and pass an order on merits and in accordance with law within a period of four months after receipt of application from the petitioner. It is well settled that for correcting UDR error, there is no limitation.

4.Even after the petitioner succeeds before the District Revenue Officer, if the municipality wants the use land as a dumping yard, then it has to be acquired in the manner known to law. In other words, appropriate compensation has to be paid to the legal heirs of Subramanian Chettiar in that event.



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5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Sivagangai Collectorate.
- 2.The District Revenue Officer,
Sivagangai District Collectorate,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai Revenue Divisional Office,
Devakottai, Devakottai Taluk,
Sivagangai District.
- 4.The Tahsildar,
Devakottai Taluk Office,
Devakottai,
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G.R.SWAMINATHAN, J.

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