BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.11934 of 2017
and
W.M.P(MD)Nos.9192 of 2017 and 21171 of 2024

1.P.P.V.Annamalai

2. P.P.V.Panchacharam

3. P.P.V.Subaiah

4. P.P.V.Velayutham ... Petitioner

Vs.

1.The District Revenue Officer,
Office of District Revenue Officer,
Sivagangai.

2.U.Karupaiah ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the entire records in Na.Ka.P.4:22230 of 2014, dated 07.02.2015 on the file of the first respondent and quash the entire proceedings is illegal, incompetent, without jurisdiction and against the provision of the law.

For Petitioner : Mr.S.Ramesh

For R1 : Mr.A.Kannan
Additional Government Pleader

For R2 : Mr.G.Prabhu Rajadurai
For Mr.R.M.Arun Swaminathan

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 07.02.2015.

2. The petitioners' father, namely, P.P.Velayutham Chettiyar was the title holder of the property in S.No.24/1, 25/1 at Piyur Pillaivayal Village and he was issued patta in Patta No.681 and his name was recorded in the A Register. The petitioners' father was in possession and enjoyment of the property without any hindrance. The petitioners' father executed a Will on 11.05.1961 in respect of the property in aforesaid survey numbers along with his other property in favour of the petitioners. On the death of the petitioners' father, the petitioners become entitled to the property bequeathed under the Will. The petitioners after the death of their father, made a representation before the Thasildar to mutate the revenue records in their names. Based on the report of the revenue Inspector and on enquiry, the patta was issued in favour of the petitioners. The Special

Thasildar issued Patta No.682 with respect to the above properties under UDR scheme to the petitioners. While so, the second respondent filed an application to the first respondent challenging the patta granted in favour of the petitioners. The first respondent vide order, dated 07.02.2015 issued notice of enquiry to the petitioners to participate in the enquiry to be conducted on 24.04.2015. Aggrieved by the proceedings initiated by the first respondent, the petitioner filed the writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the first respondent had no jurisdiction to conduct the impugned proceedings inasmuch as the issue was already settled by the settlement authorities and patta was also issued to the petitioners. According to the petitioners, as the patta was issued by the settlement authorities, the first respondent was not competent and had no jurisdiction to conduct the enquiry on the basis of the application of the second respondent.

4. The learned counsel for the respondents submitted that the application of the second respondent was to cancel the patta issued in Patta No.862 to the petitioners in respect of the subject property due to the error under UDR

scheme. He further submitted that as the error occurred under UDR scheme, the first respondent was very much competent to decide the application of the second respondent, dated 25.11.2024. Hence, the writ petition is without any merits and deserves to be dismissed.

5. Heard both sides and perused the materials placed on record.

6. The only point argued by the learned counsel for the petitioner is that the first respondent had no jurisdiction to conduct the proceedings as the settlement authorities already issued the settlement patta to the petitioners' father and the respondents, if aggrieved, by the settlement patta ought to have invoked the jurisdiction of the Civil Court. The case of the respondent is that as the patta was issued erroneously to the petitioners under UDR scheme, the application before the first respondent was proper as he was the competent authority to decide the issue.

7. It is seen that the petitioners have admitted that the Special Thasildar issued Patta in Patta No.862 with respect to the subject property under UDR scheme and they were paying tax to the revenue authorities. In pursuance of the

application of the second respondent, the first respondent issue summons to the petitioners for enquiry and at that stage, the petitioners filed the writ petition for the aforesaid relief.

8. As already observed, the petitioners admitted that Patta No.862 was issued to them under UDR scheme. While so, the application of the second respondent to correct the error crept under UDR scheme can be agitated only before the first respondent. Hence, I find that the first respondent has jurisdiction and is competent to decide the issue and hence, I find no merits in the writ petition and the same is dismissed. It is seen that the matter is pending in the notice of enquiry stage right from the year 2015. Therefore, a direction is issued to the first respondent to dispose of the application of the second respondent on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

13.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

The District Revenue Officer,
Office of District Revenue Officer,
Sivagangai.

N.MALA, J.

SN

W.P.(MD)No.11934 of 2017

13.11.2024