



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.24399 of 2024
and
W.M.P.No.26669 of 2024

V.Kutti

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Sankagiri Taluk, Salem District.

2. The Tahsildar, Sankagiri Taluk, Salem District.

3. Mrs.Santhi

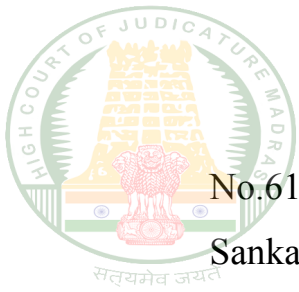
4. Mrs.Chitra

5. Mrs.Padma

6. The District Revenue Officer,
Salem District, Salem.
(R6 suo motu impleaded)

... 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 order dated 24.05.2024 bearing Pa.Mu.No.5383/2023/B passed by the second respondent and quash the same and to direct the respondents 1 and 2 to conduct the survey of the petitioner's land comprised in Survey



No.61/1 measuring to an extent of 2 acres, situated at Thappakuttai Village, Sankagiri Taluk, Salem District, furnish the copy of the survey report to the petitioner and correct the UDR (Updating Registry Scheme) based on the said survey report within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Murali

For R1, R2 & R6 : Mr.A.Selvendran,
Additional Government Pleader

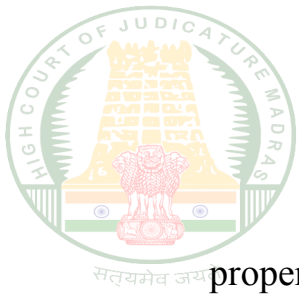
For R3 to R5 : Mr.R.Marudhachalamurthy

ORDER

The District Revenue Officer, Salem District, Salem, is *suo motu* added as the sixth respondent in the writ petition.

2. This writ petition has been filed challenging the proceedings of the second respondent dated 24.05.2024 and for a consequential direction to the first and second respondents to conduct the survey in the subject property and to undertake the corrections in the revenue records.

3. Heard Mr.R.Murali, learned counsel for the petitioner, Mr.A.Selvendran, learned Additional Government Pleader appearing for the respondents 1, 2 and 6 and Mr.R.Marudhachalamurthy, learned counsel for the respondents 3 to 5.



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4. The case of the petitioner is that he is the owner of the subject property by virtue of a registered sale deed dated 08.02.2010. The first respondent issued a notice dated 09.10.2023 directing the petitioner and the respondents 3 to 5 to attend an enquiry. Thereafter, there was no communication and hence the petitioner filed a writ petition in W.P.No.32402 of 2023 for a direction to the first and second respondents to pass orders in the pending enquiry. The relief that was sought for by the petitioner is that there was a mistake during the UDR scheme and the same had to be rectified. While that being so, the impugned order came to be passed by the second respondent without any enquiry.

5. There is no dispute with regard to the fact that the petitioner was seeking for the rectification of the revenue records which mistakes had crept in during the UDR scheme. Hence, the only authority who can consider the grievance of the petitioner will be the District Revenue Officer whereas the second respondent has passed the impugned order by rejecting the claim made by the petitioner.

6. The order passed by the second respondent is without jurisdiction and the same is liable to be interfered on that ground alone.



Accordingly, the impugned proceedings of the second respondent dated 24.05.2024 is hereby set aside. There shall be a direction to the petitioner to submit a fresh representation before the District Revenue Officer, Salem along with all the relevant documents. On receipt of the same, the District Revenue Officer, Salem shall conduct an enquiry after affording opportunity to the petitioner and the respondents 3 to 5 and pass orders within a period of 12 weeks from the date of receipt of the fresh representation from the petitioner.

7. In the result, the writ petition is allowed with the above directions. No costs.

27.02.2025

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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- To
1. The Revenue Divisional Officer,
Sankagiri Taluk, Salem District.
 2. The Tahsildar,
Sankagiri Taluk, Salem District.
 3. The District Revenue Officer,
Salem District, Salem.



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N. ANAND VENKATESH, J.

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