



W.A(MD)No.1776 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1776 of 2023
and
C.M.P(MD)No.13548 of 2023**

Manivelu Ammal

... Appellant /
2nd Respondent

Vs.

1.Kallanai

... 1st Respondent /
Writ Petitioner

2.The District Revenue Officer /
The Additional District Magistrate,
Madurai District,
Madurai.

... 2nd Respondent /
1st Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.11382 of 2023 dated 04.05.2023 and dismiss the same.

For Appellant : Mr.B.Saravanan
Senior Counsel
for Mr.C.Jeganathan



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For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.2

No Appearance for R.1

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard the learned Senior Counsel appearing for the appellant and the learned Additional Government Pleader appearing for the second respondent. The first respondent herein who filed the Writ Petition has been served and his name is printed in the cause list but he has not chosen to enter appearance.

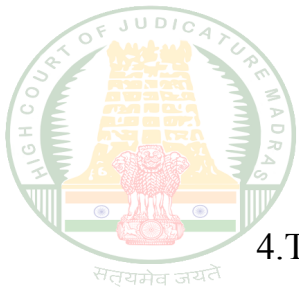
2.The case on hand pertains to Survey No.113/1C Vandiyur I Bit Village, Madurai North, measuring a total extent of 1.88 acres. One Thiruppathi had 44 cents of land in two parcels in the said survey number. Like wise, one Sethuraman also had 44 cent in 2 parcels. The remaining one acre belonged to one Muthusamy Pillai. After his demise, the property devolved on his wife / Sethu @ Ponnammal and his daughter of Jeyam @ Muthammal. They gifted the said one acre of land in favour of one Ramalingam. The said Ramalingam in turn sold the property to the writ petitioner Kallanai vide sale deed dated 31.07.2006. It appears that after Kallanai purchased the property, the field map /



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FMB was wrongly subdivided. As a result, portion of the land purchased by the appellant / Manivelu Ammal came to be erroneously shown as the property belonging to Kallanai. Hence the appellant moved the District Revenue Officer, Madurai for making the necessary corrections. Finding merit in the appellant's contention, the District Revenue Officer, Madurai passed order dated 23.03.2023. Challenging the same, Kallanai filed W.P(MD)No.11382 of 2023. The learned single Judge vide order dated 04.05.2023 allowed the Writ Petition on the ground that Kallanai was not put on notice before District Revenue Officer passed the order. In other words, the order impugned in the Writ Petition was set aside on the sole ground of violation of principle of natural justice. Challenging the same, this Writ Appeal has been filed.

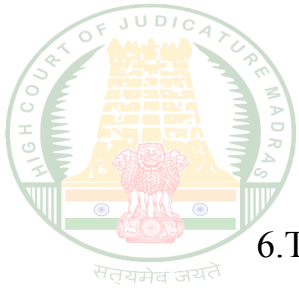
3. When the matter was taken up for hearing, the learned Senior Counsel appearing for the appellant made it clear that the appellant has no intention to adversely affect any of the rights of the writ petitioner Kallanai. All that the appellant wants is that the FMB and the revenue record should be properly drawn and nothing else. We are satisfied with the submission of the learned Senior Counsel.



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4.The learned Additional Government Pleader submits that it is only the Assistant Director of Survey who is the authority competent to change in the FMB.

5.The appellant appears to have proceeded on the premise that there was some UDR error. Actually it is not an URD error. It is an FMB error. Therefore, even without setting aside the order of the learned single Judge, we grant relief to the appellant in the following terms: The appellant is permitted to submit a proper application to the Assistant Director of Survey, Madurai. The Assistant Director of Survey, Madurai shall issue notice to the writ petitioner / Kallanai and his son. After holding enquiry, the said authority shall make appropriate changes in the FMB pertaining to Survey No.113/1C. Based on the same, the revenue record shall also be appropriately amended and mutated. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The Tahsildar, East Taluk is directed to extend his fullest co-operation and assistance in carrying out the aforesaid exercise. The FMB as well as the revenue records shall be corrected and mutated based on the respective title documents of the appellant as well as the writ petitioner.



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6.This Writ Appeal is disposed of accordingly. There shall be no order as

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to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
24.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

The District Revenue Officer /
The Additional District Magistrate,
Madurai District,
Madurai.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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