



W.P.(MD) No.21807 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.21807 of 2024

Murugaboopathi ... Petitioner

-vs-

- 1 The District Revenue Officer,
Collectorate Campus,
Virudhunagar District,
Virudhunagar.
- 2 The Revenue Divisional Officer,
Aruppukkottai Sub-Division,
Aruppukkottai,
Virudhunagar District.
- 3 The Tahsildar,
Tiruchuli Taluk,
Tiruchuli,
Virudhunagar District.
- 4 M.Sureshkumar
- 5 M.Vishvamithiran ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorari, to call for the records pertaining to



W.P.(MD) No.21807 of 2024

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all records of impugned order passed by the 2nd respondent in Pa.Mu.Aa1/L20/79/2024, dated 05.08.2024, and quash the same as illegal and unconstitutional.

For Petitioner : Mr.S.Balamurugan

For Respondents 1 to 3 : Mr.R.Raguwendran,
Govt. Advocate.

For Respondent 5 : Mrs.J.Padmavathi Devi

ORDER

This Writ Petition is filed for issuance of a writ of certiorari, to call for the records of the impugned order passed by the 2nd respondent on 05.08.2024 and quash the same as illegal and unconstitutional.

2. The house site property in S.No.40/5 originally belonged to one Muthu, from whom the petitioner and the grandfathers of respondents 4 and 5 purchased the same through a registered sale deed with specific four boundaries. The petitioner and other neighbouring owners constructed houses on their plots. While so, the respondents 4 and 5 disputed the location of the plots and literally wanted to swap the plots, alleging that there were differences between the four boundaries mentioned in the sale deed and the sub-division of patta. The second respondent, on an application made by



W.P.(MD) No.21807 of 2024

WEB COPY

respondents 4 and 5, directed the third respondent to revise the UDR-FMB Sketch, by the impugned order. Aggrieved by the said impugned order, the petitioner filed the above Writ Petition for the aforesaid relief.

3. Learned counsel for fifth respondent filed a vacate stay petition and requested the Court to take up the main Writ Petition itself for hearing.

4. The fifth respondent – private party, after giving a detailed account of the facts of the case, submitted that the petitioner, taking advantage of the mistake crept in UDR-FMB Sketch, had high-handedly started construction in the respondent's property. The respondent submitted that there was no merit in the Writ Petition and, therefore, the Writ Petition was liable to be dismissed.

5. Learned counsel for the petitioner submitted that the Writ Petition deserves to be allowed on the short ground of lack of competency in the second respondent in rectifying the mistake that crept in UDR-FMB Sketch. The learned counsel further submitted that as per the Government Order in G.O.Ms.No.385, Revenue Department, dated 17.08.2004, the competent authority to rectify the mistake in UDR-FMB Sketch is only the first respondent – District Revenue Officer, and not the second respondent – Revenue Divisional Officer.



W.P.(MD) No.21807 of 2024

WEB COPY

6. Learned Government Advocate fairly conceded that as per the above said Government Order, it was the first respondent, who was competent to rectify the error in UDR-FMB Sketch.

7. Even the private respondent, in his counter, has not disputed the mistake crept in UDR-FMB Sketch.

8. Learned counsel for fifth respondent, on the other hand, submitted that the petitioner, taking advantage of the mistake, is trying to put up construction and, therefore, the petitioner has to be prevented from putting up further constructions, when there is a serious dispute as to the survey numbers and the four boundaries of the petitioner as well as the private respondent's property.

9. I have heard the learned counsel for the parties and also perused the materials available on record.

10. Indisputably, the error has occurred in UDR-FMB Sketch. As per G.O.Ms.No.385, Revenue Department, dated 17.08.2004, the competent authority to correct UDR mistake is the first respondent. Hence, as rightly contended by the learned counsel for the petitioner, and conceded by the learned Government Advocate, the impugned order passed by the second respondent is without jurisdiction. It is pertinent to note that even the private



W.P.(MD) No.21807 of 2024

WEB COPY

respondent, in his counter, did not dispute the mistake occurred in UDR-FMB Sketch. While so, as per the aforesaid Government Order, it is only the first respondent, who is competent to rectify the error. Therefore, I am of the view that the impugned order cannot be sustained and, thus, it is set aside. In any event, it is open to the parties to approach the first respondent to rectify the error in UDR-FMB Sketch, if so advised.

11. Writ Petition is, accordingly, allowed. No costs. Consequently, the connected W.M.P.(MD) Nos.18435 of 2024 and 21977 of 2024 are closed.

08.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

dixit

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W.P.(MD) No.21807 of 2024

WEB COPY

- 3 The Tahsildar,
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W.P.(MD) No.21807 of 2024

N.MALA, J.

dixit

W.P.(MD) No.21807 of 2024

08.01.2025