



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD) No. 752 of 2021

WEB COPY

A.James @ Jerome : Appellant

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The District Revenue Officer,
Nagercoil, Kanyakumari District.

3.The Tahsildar,
Simon Colony Village,
Kalkulam Taluk,
Kanyakumari District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 08.02.2021 made in W.P. (MD) No. 2104 of 2021.

Prayer in WP(MD). 2104 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 3rd respondent vide Text Message From Ad-TNGOVT dated 28.12.2020 and quash the same as illegal and consequently directing the respondents to change the name of the petitioner in petitioners patta vide patta Nos. 4200, 5271, 6436 and 7331 of Simon Colony Village, Kalkulam Taluk, Kanyakumari District based on the petitioners representation dated 30.11.2020 forthwith and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.A.Balakrishnan

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This appeal has been preferred by the appellant as against the order of the learned Single Judge, who, while declining to entertain the writ petition, indicated that the remedy open to the appellant is to file an appeal.

<https://hcservices.ecourts.gov.in/hcservices/>



2. Learned Counsel appearing for the appellant submitted that the impugned order has been passed by the third respondent without even understanding the request made by the appellant. The appellant did not want to insert his name, but, wanted to update his name, since he has changed his name from Jerome to A. James, by making publication in the official gazette. Without understanding and appreciating the aforesaid factum, through whatsapp message, the request made was rejected stating that already there exists a name in the patta.

3. Learned Special Government Pleader appearing for the respondents submitted that the remedy open to the appellant is to file an appeal.

4. Having heard the learned Counsel appearing for the parties, we are inclined to interfere with the order of the learned Single Judge and set aside the order passed by the third respondent. In fact, the specific case of the appellant is that the patta stands in his own name. He has changed his name from Jerome to James and therefore, he wanted to update the same in the patta. Without considering the aforesaid aspect, in a mechanical manner, the impugned order has been passed.

5. In such view of the matter, the order passed by the learned Single Judge and the order passed by the third respondent, which is impugned in the writ petition, stand set aside. The third respondent is directed to pass appropriate orders, afresh, after affording a personal hearing to the appellant and decide the issue as to whether the name, which stands in the patta, belongs to the appellant herein, who seeks to update it. The needful in this regard will have to be done within a period of eight weeks from the date of receipt of a copy of this judgment.

6. In fine, the writ appeal as well as the writ petition stand allowed. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk



To

1. The District Collector,
Kanyakumari District
at Nagercoil.

2. The District Revenue Officer,
Nagercoil,
Kanyakumari District.

3. The Tahsildar,
Simon Colony Village,
Kalkulam Taluk,
Kanyakumari District.

+1 CC to M/s. SPL GP (SR-15327[F] dated 07/04/2021)

+1 CC to M/s. A. BALA KRISHNAN, Advocate (SR-15417[F] dated
07/04/2021)

W.A. (MD) No. 752 of 2021
01.04.2021

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TR (24.04.2021) 3P 6C