



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.15674 of 2020

Subramaniya Bharathi

... Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

4.V.Srinivasha Perumal

... Respondents

*(R-4 is impleaded vide Court order dated 19.11.2021 in W.M.P(MD).
No.14905 of 2021 in W.P(MD).No.15674 of 2020)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent vide office proceedings in Lr.No:Na.Ka.D6-5810-2019 dated 11.03.2020 and quash the same as illegal and consequently directing the respondents to rectify the names in the Patta bearing No.220 issued by the second respondent office within a stipulated period that may be fixed by this Court.

For Petitioner	:	Mr.R.Karunanidhi
For R-1 to R-3	:	Mr.S.Shanmugavel, Additional Government Pleader.
For R-4	:	Mr.J.Pooventhera Rajan

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus with respect to an order of the first respondent dated 11.03.2020.



2. Heard Mr.R.Karunanidhi, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader who appears on behalf of respondents 1, 2 and 3 and Mr.J.Pooventhera Rajan, learned counsel for the fourth respondent who had been impleaded.

3. Let me be very careful in the nature of order to be passed, since I do not want to upset the balance with respect to either title or possession as claimed by the petitioner or by the fourth respondent. I am not entering into any discussion with respect to those issues. The simple fact is that the grandfather of the petitioner was called Nandhasamy Naidu. In the revenue records, an error had occurred and he has been termed Kandasamy Naidu. A correction to that extent alone, has to be carried out. This would help not only the petitioner but also the fourth respondent.

4. The said Nandhasamy Naidu had already sold the properties. In the sale deed, his name is shown as Nandhasamy Naidu. Subsequent revenue records however reflect the name as Kandasamy Naidu. There has also been an issue as to whether they are both the same persons or two different persons. Only to establish that particular fact, the name Kandasamy Naidu in the revenue records has to be changed to Nandhasamy Naidu.

5. The issue which further arises is whether there is any authority or power granted to the first respondent to correct the name. It had been stated in the counter-affidavit of the first respondent that the Special Commissioner and Commissioner of Land Administration, Chennai by Circular in K1/39142/1999 dated 04.11.1999, had very clearly stated that after the introduction of the Ryotwary Settlement and after the passing of the Madras Estates (Abolition and Conversion into Ryotwari) Act 1948, the orders of the settlement authorities have become final and there no powers are vested with the revenue authorities to review, to revise or to alter the patta issued after settlement. It had therefore been stated that such correction cannot be carried out.

6. Let me again reiterate that by correcting the name from Kandasamy Naidu to Nandhasamy Naidu, the rights of either the petitioner or the fourth respondent would not be affected, but rather regularized. In this regard, there is also a Full Bench Judgment in W.A.No.326 of 2007, in which it had held that the Director of Survey and Settlement can exercise *suo motu* powers to correct any error made by the settlement party at the time of settlement.

7. I am going into the narrow confines of that particular authority granted by the Full Bench Court retaining the *suo motu* powers to the Director of Survey and Settlement. I am deeply



conscious that such *suo motu* power has to be exercised with great care and with discretion and within the scope of corners of authority vested with the Director of Survey and Settlement.

8. In this case, it is only a correction of a name bringing it back to the correct name from Kandasamy Naidu to Nandhasamy Naidu. No further corrections are permitted under this order. The rights of the parties and their respective claims are not examined and they remain as stated by the parties themselves. The revenue records under which they both claim, will now reflect the correct name of the individual namely Nandhasamy Naidu and not Kandasamy Naidu.

9. With the said observations, though the Writ Petition had been filed for Certiorari, a Mandamus is directed with the limited relief and direction to correct the name in the revenue records from Kandasamy Naidu to Nandhasamy Naidu.

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Revenue Officer,
District Revenue Office,
Thoothukudi,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti, Thoothukudi District.



3.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-37625[F] dated
07/12/2021)

+1 CC to M/s.J.POOVENTHERARAJAN, Advocate (SR-37722[F] dated
08/12/2021)

+1 CC to M/s.SPL GP (SR-37920[F] dated 09/12/2021)

**W.P (MD) No.15674 of 2020
07.12.2021**

MJ(CO)
TR(17.12.2021) 4P 7C