



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 06.06.2022

ORDER PRONOUNDED ON : 09.06.2022

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CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P. (MD) .Nos.4601 of 2011 and 14381 of 2014
and**

MP(MD) .Nos. 1 to 3 of 2011 and 1 of 2014

W.P(MD).No.4601 of 2011

S.Jebamony

...Petitioner

VS

1.The Assistant Director of
Rural Development Department
Kanyakumari District

2.The District Collector
Kanyakumari District
Nagercoil

3.The District Revenue Officer
Nagercoil
Kanyakumari District

4.The Revenue Divisional Officer
Padmanabhapuram
Kanyakumari District

5.The Taluk Supply Officer
Agasteeswaram Taluk
Nagercoil
Kanyakumari District

6.The President
Melasankarankudi Village Panachayat
Santhapuram Post
Agasteeswaram Taluk
Kanyakumari District

7.The District Supply Officer
Kanyakumari District at
Nagercoil

...Respondents



W.P(MD).No.14381 of 2014

1.Jebamony

...Petitioner

Vs

1.The Government of Tamilnadu
Represented by its Principal Secretary
Rural Development Department
Fort St.George, Secretariat
Chennai 600 009

2.The District Collector
Kanyakumari District at
Nagercoil

3.The Assistant Director of
Rural Development
Kanyakumari District

4.The District Revenue Officer
Nagercoil
Kanyakumari District

5.The Revenue Divisional Officer
Padmanabhapuram
Kanyakumari District

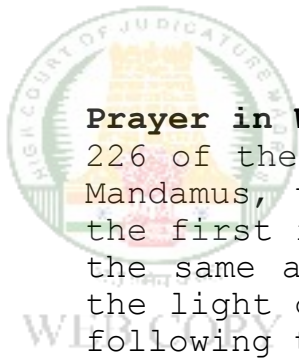
6.The President
Melasoorankudi Village Panchayat
Santhapuram Post
Agasteeswaram Taluk
Kanyakuamari District

7.Tamil Nadu State Election Commission
Represented by its Chief Election Officer
No.208/2, Jawaharlal Nehru Road
Opp.CMBT, Arumbakkam
Chennai 600 106.

8.G.Ambrose
President, Village Development Committee
No.6/44, Sadayalpudur
Vembanur Post
Kanyakumari District

...Respondent

(8th Respondent impleaded vide order dated 18.03.2015 in M.P.No.2 of 2014)



Prayer in W.P(MD).No.4601 of 2011: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the orders passed by the first respondent in Na.Ka.No.A6/1808/09, dated 23.06.2009, quash the same and consequently direct the respondents to take action in the light of the orders passed this Court in W.P.No.18772 of 2003 by following the procedures contemplated under the Panchayat Act.

Prayer in W.P(MD).No.14381 of 2014: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Roc.No.E1/SR.20/2002, dated 28.04.2014, quash the same and restore the address of the Government Primary School as Paul Danielpuram and the address of the Electoral Booth to be that of Government Primary School, Paul Danielpuram, which was in existence from the day of independence.

For Petitioner	: Mr.H.c.Herold Singh in both petitions
For R1 to R5 & R7	: Mr.D.Sasikumar Government Advocate in both petitions
For R6	: Mr.B.Saravanan in W.P.No.4601 of 2011
For R6	: No appearance in W.P.No.14381 of 2014
For R8	: Mr.R.Devaraj in W.P.No.14381 of 2014

COMMON ORDER

W.P(MD).No.4601 of 2011 has been filed seeking to quash the order passed by the Assistant Director of Rural Development Department, Kanyakumari District on 23.06.2009 and direct the respondents to take action in the light of the order passed by this Court in W.P.No.18772 of 2003 by following the procedures contemplated under the Panchayat Act.

2.W.P.(MD).No.14381 of 2014 has been filed to quash the order passed by the District Collector, Kanyakumari District on 28.04.2014 and to restore the address of the Government Primary School as Paul Danielpuram and the address of the Electoral Booth to be that of Government Primary School, Paul Danielpuram which was in existence from the day of independence.

3.In both the writ petitions, the writ petitioner is one of the same.

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



4. According to the writ petitioner, he is the Secretary of a Church in Paul Danielpuram and he has got evidence from the year 1933 onwards to show the existence of hamlet by name Paul Danielpuram which is located on the east of hamlet Sadayal Pudur. According to the writ petitioner, the villagers of Sadayal Pudur have illegally attempted to change the name of Paul Danielpuram into Sadayal Pudur. Hence, the writ petition was filed in W.P.No.18772 of 2003 which was disposed of by this Court on 08.07.2003. In the said order, a direction was issued to the District Collector to take appropriate action in the matter and to forbear any such alleged renaming contrary to the procedure prescribed under the Panchayat Act and to ensure that the name of the village is not changed in order to maintain the communal and religious harmony in the locality.

5. The writ petitioner has also referred to a decree passed in O.S.No.358 of 1983 in which it was held that Sadayal Pudur is a different unit and Paul Danielpuram is a different unit. The writ petitioner has also referred to an order passed in W.P.No.2452 of 2005 in which an order was passed on 25.09.2008 holding that the writ petition was not maintainable and it is for the authorities to decide with regard to the name of a particular village in accordance with law.

6. While the petitioner insisted to retain the name of Paul Danielpuram, the impugned order has been passed by the Assistant Director of Rural Development Department to the effect that except the School and Church, no other residents has been using the name Paul Danielpuram. Under the order, it has also mentioned that all the property tax receipts are issued only in the name of Sadayal Pudur and there is no reference about Paul Danielpuram in any name board. Without permission of the Government, nobody can change the name of the hamlet. The said order has been challenged by the writ petitioner.

7. In W.P.No.14381 of 2014, the petitioner has averred the same averments as that of W.P(MD).No.4601 of 2011.

8. The writ petitioner had contended that based upon the instruction of the Assistant Director of Rural Development, the Collector has proceeded to pass the impugned order dated 28.04.2014. In the said impugned order, the Collector has held that the name of the Village has not been changed and in fact, there is no dispute over the name of the Village. That apart, the Collector has referred to the decree made in O.S.No.358 of 1983 and the said decree has been complied with. Hence, the representation given by the petitioner on 11.11.2013 was rejected. The said order is under challenge in W.P(MD).No.14381 of 2014.

9. The learned counsel for the writ petitioner had contended that the hamlet by name Sadayal Pudur is completely different from Paul Danielpuram. According to the learned counsel for the writ



petitioner, he has got records to establish the fact that right from the year 1933 onwards, the hamlet is only called under the name and style of Paul Danielpuram. According to the writ petitioner, some persons belonging to the adjacent hamlet namely Sadayal Pudur are attempting to rename Paul Danielpuram as also Sadayal Pudur. However, without considering the representation made by the writ petitioner and without properly appreciating the order passed by this Court in previous writ proceedings, the Assistant Director of Rural Development and District Collector have passed the impugned orders. The said impugned orders are clearly in violation of the judgement and decree made in O.S.No.358 of 1983. The impugned orders in both the writ petitions are also against the previous order passed by the High Court. An attempt is being made to change the name of the village by some persons without following due process of law. He had further contended that the District Collector has not independently considered the representation made by the writ petitioner, but has been carried away by an order of the Assistant Director of Rural Development. Hence, he prayed for allowing the writ petitions and direct the authorities to implement the order passed in W.P.No.18772 of 2003. He further prayed for directing the authorities to restore the address of the Government Primary School and address of the Electoral Booth as Paul Danielpuram.

10.Per contra, the learned counsel appearing for the private respondents had contended that the issue is no longer res integra. The learned counsel pointed out that O.S.No.358 of 1983 was filed before the Additional District Munsif Court, Nagercoil as against the State of Tamil Nadu, represented by the District Collector and 155 private parties seeking a prayer for declaration that the suit hamlet is a separate unit and should be called as Sadayal Pudu and the Government School should also be called only in the name of Sadayal Pudur. They further prayed for a declaration that there is no Paul Danielpuram in Sadayal Pudur hamlet. The plaintiffs had further prayed that the word Paul Danielpuram should not be used in Government document to refer Sadayal Pudur. They further prayed for a permanent injunction as against the State of Tamil Nadu, represented by the District Collector.

11.After contest, the suit was decreed on 20.01.2003. Admittedly, none of the parties have challenged the said judgment and decree and it has become final. He had further contended that the order impugned in both the writ petitions are in consonance with the Civil Court decree and hence, the said order does not suffer from any illegality or infirmity. He had further contended that the petitioner has no legal right to seek a mandamus to change the name from Sadayal Pudur to Paul Danielpuram. Hence, the prayer for mandamus to record Paul Danielpuram for the name of the School and polling booth are not legally sustainable. He had further contended that the order in W.P.No.18772 of 2003 is only to the effect that renaming should not be done contrary to the procedure prescribed under Panchayat Act. In the present case, only the writ petitioner is attempting to rename the hamlet. The statutory authorities have

<https://hcservicescourts.org.in/hcservices/> held that the name of the hamlet is Sadayal Pudur and



not Paul Danielpuram. Hence, the contention of the writ petitioner that the statutory authorities are attempting to rename the Village contrary to the order passed in W.P.No.18772 of 2003 is not factually correct and hence, he prayed for dismissal of both the writ petitions.

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12.The learned Government Advocate appearing for the official respondents had contended that the Assistant Director of Rural Development and the District Collector have complied with the judgment and decree in O.S.No.358 of 1983. The statutory authorities have not renamed any Village of their own. In fact, they have only clarified there is one hamlet by name Sadayal Pudur and there is no hamlet by name Paul Danielpuram in the official record. Hence, he contended that the order of the official respondents may be sustained.

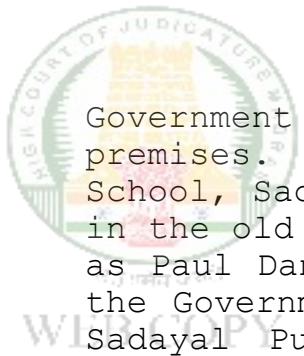
13.I have given anxious consideration to the submissions made on either side.

14.A perusal of the judgment and decree made in O.S.No.358 of 1983 indicates that the Civil Court has categorically held that there is no hamlet by name Paul Danielpuram and the name of the hamlet is only Sadayal Pudur. The Civil Court has also granted a decree for permanent injunction restraining the State of Tamil Nadu, represented by the District Collector from using the word Paul Danielpuram in Government records in place of Sadayal Pudur. Admittedly, the said judgment and decree dated 20.01.2003 have not been challenged by any one of the parties and it has become final.

15.The order impugned in W.P.No.4601 of 2011 has been passed by the Assistant Director of Rural Development to the effect that except the School and Church, no other entity in the hamlet uses the word Paul Danielpuram. None of the official records referred to the word Paul Danielpuram. All the official records has been standing in the name of Sadayal Pudur. The impugned order of the District Collector dated 28.04.2014 also relies upon the judgment and decree made in O.S.No.358 of 1983 and he has proceeded to hold that the name of the Village has not been changed and in fact, there is no dispute over the name of the Village.

16.A perusal of the order impugned in both the writ petitions will clearly demonstrate that the official respondents have not renamed any hamlet. They have only clarified the position that there is in only one hamlet by name Sadayal Pudur. They have also categorically stated that the name Paul Danielpuram has not been used by any villagers or in any official records. The word Paul Danielpuram could be found only in the Church premises and the School.

17.The learned counsel for the respondents has submitted that originally a School was started by a member of the Church inside the Church premises. Hence, the School was once called as Paul Danielpuram School. However, the said School was handed over to the



Government in the year 1946 and it was relocated out side the Church premises. Thereafter, the School was named as Government Primary School, Sadayal Pudur. Hence, the word Paul Danielpuram School found in the old record cannot be cited for naming the whole of the hamlet as Paul Danielpuram. Admittedly, the School has been handed over to the Government and it is being run as a Government Primary School, Sadayal Pudur. This contention of the learned counsel for the respondents will clearly strengthen the observation of the Assistant Director of Rural Development that except the School records and Church premises, no other place bears the name Paul Danielpuram. Hence, the contention of the writ petitioner that some attempt is being made to change the name of the hamlet to Paul Danielpuram from Sadayal Pudur is factually incorrect and it seems that otherwise is being attempted to.

18. In the present case, the Government and the official authorities have just continued the name of the village as Sadayal Pudur based upon the official records from time immemorial. The act of the official respondents cannot be found fault with. The Church in the said hamlet is said to have been established by one Paul Danial who had contributed for construction of the Church in the hamlet of Sadayal Pudur. Except the construction of the church by the said Paul Danial, there is no reference whatsoever to his association to the said hamlet for being named after him.

19. It is seen from various writ proceedings and the Civil suit placed before this Court, the word Paul Danielpuram has emanated from the Church premises. Consequently, it got attached to the School which was initially started within the Church premises. Though the School was handed over to the Government and relocated outside the Church premises, for sometime the word Paul Danielpuram was attached to the said Government School. However, the Government authorities have rightly chosen to delete the said name and renamed it as Government Primary School, Sadayal Pudur. Just because the Church is located within the revenue hamlet of Sadayal Pudur, the name of the Church could not engulf the entire hamlet. The documents produced on the side of the writ petitioner clearly indicate that the word Paul Danielpuram has been used originally in the Church documents. Later some of the lower level revenue officials have started issuing tax receipts by including the name Paul Danielpuram. Hence, it is evident that there is no record whatsoever that the hamlet in dispute had ever been named officially as Paul Danielpuram. The officials have rightly chosen to stick to the official name viz., Sadayal Pudur in all their records. Such kind of attempts to rename a particular hamlet based upon certain private documents which are contrary to the official records should be nipped in the bud.

20. Apart from the merits of the writ petition, the naming of a Village or hamlet is within the exclusive domain of executive
<https://hccse.courts.gov.in/hccse/Files/> resident of any Village or hamlet does not have any



legal right whatsoever to demand that his Village or hamlet be named in a particular manner. When the writ petitioner has no legal right to insist upon a particular name to be assigned to the village/hamlet, the question of issuing a mandamus does not arise. The order of the official respondents in both the writ petitions are in consonance with the judgment and decree dated 20.01.2003 made in O.S.No.358 of 1983 on the file of the Additional District Munsif Court, Nagercoil. Hence, I do not find any illegality or infirmity in the order passed by the official respondents. The order in W.P.No.18772 of 2003 dated 08.07.2003 is only to the effect that the Village should not be renamed without following the procedure prescribed under the Panchayat Act. The above said discussion will clearly indicate that the authorities have not made any attempt to rename the Village. In fact, there is no Village/hamlet in the name of Paul Danielpuram and the authorities have only clarified that the name of village/hamlet is only Sadayal Pudur. Hence, the order of this Court in W.P.No.18772 of 2003 has not been violated and there is no occasion for the authorities to initiate action in the light of the orders passed in the said writ petition. Hence, viewed from any angle, both the writ petitions are devoid of merits. The writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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To

1.The Principal Secretary
Government of Tamil Nadu
Rural Development Department
Fort St.George, Secretariat
Chennai 600 009

2.The Assistant Director of
Rural Development Department
Kanyakumari District

3.The District Collector
Kanyakumari District
Nagercoil

4.The District Revenue Officer
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5.The Revenue Divisional Officer
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Chennai 600 106.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-24804[F] dated 09/06/2022)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-24976[F] dated
10/06/2022)

+1 CC to M/s.SPL.GP (SR-25159[F] dated 10/06/2022)

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09.06.2022

MGJ(14.06.2022) 9P 12C