



1

W.P.(MD)NO.13772 OF 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13772 of 2014

and

M.P.(MD)No.2 of 2014

1. Dharmarajan

2. R.Manoharan

3. S.Saravanan

4. Malarkodi

5. Muthukumar

6. Madhumitha

7. Manonmani

(Petitioners 4 to 7 are *suo motu* impleaded
vide order dated 05.07.2023.)

... Petitioners

Vs.

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.

3. The Tahsildar,
Taluk Office,
Sivagangai.

4. N.Parkunan



5. V.Rani

... Respondents

WEB COPY

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in pursuance to the first respondent impugned order passed in Pa.Mu.No.B4/9249/2014 dated 23.07.2014 and revision petition No.58 of 2007 in BA/MU/B4/38991/2007 dated 15.03.2013 and quash the same.

For Petitioner : Mr.K.Kumaravel

For R-1 to R-3 : Mr.S.R.A.Ramachandran,
Additional Government Pleader.

For R-4 : Mr.G.Mohankumar

* * *

ORDER

The order passed by the District Revenue Officer, Sivagangai, dated 23.07.2014, allowing the revision filed by the fourth respondent is put to challenge.

2.The matter pertains to survey No.257/3 Poovalai Group in Sivagangai District. During UDR, mutations were made and the names of Rajasundaram, Dharmarajan, Subramanian and Manoharan were entered as joint pattadhars



along with Shri.Nagagurusamy. Nagagurusamy contended that such inclusion was illegal. While disposing of his revision petition dated 30.05.2006, the District Revenue Officer, Sivagangai ordered that corrections shall be made in the revenue record in favour of Parkunan S/o.Nagagurusamy in respect of 4.16.0 hac in Survey No.257/3 and for the remaining 1.22.0 hac in favour of Rajasundaram and others. Thereafter, the Tahsildar, Sivagangai vide letter dated 30.06.2014 pointed out that after conducting survey, it is revealed that in Survey No.257, only 4.06.5 hac is available on ground. Thereupon, DRO Sivagangai passed order dated 23.07.2014 for entering the name of Parkunan S/o. Late Nagagurusamy alone in the revenue record in respect of 4.06.5 hac. Challenging the said order, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.



4. The stand of the petitioners' counsel is that the land comprised in survey No.257/3 at Poovalai Group originally belonged to one Kottaisamy and others. Mother of the first petitioner had purchased the said property vide registered sale deed from the said Kottaisamy in the year 1956. Kottaisamy's name was omitted to be in the revenue record, but during UDR, the omission was set right. According to the petitioners, the first respondent erred in allowing the revision in *toto*. In any event, the first respondent erred in revisiting the issue after originally passing an order recognising the rights of both the parties. The order is also faulted on the ground of violation of principles of natural justice.

5. The learned counsel appearing for the respondents as well as the learned Additional Government Pleader submitted that the impugned order does not call for any interference and they pressed for dismissal of the writ petition.



6. I carefully considered the rival contentions and went through the materials on record.

7. It is seen from the records that the name of Nagagurusamy was reflected even in ' A ' Register. A copy of the same has been included in the typed set of papers filed by the fourth respondent. It is seen therefrom that survey No.257/3 stood in the name of four persons, namely, Avichi Chettiyar, Nagagurusamy, Chidambaram Chettiyar and Muthuramalingam. In the proceedings of the Tahsildar, Sivagangai dated 23.09.1976, Nagagurusamy is shown as having title over 4.16.0 Hac. in survey No.257/3. The name of Nagagurusamy is also mentioned as one of the four pattadhars in the settlement register. In the "A" Register, Kottaisamy's name is not mentioned.

8. The petitioners trace their title to Kottaisamy whose name is found in the SLR. But the sale deed executed by Kottaisamy in the year 1956 does not contain any survey number. Only four boundaries had been mentioned. No material has been placed to correlate the petition mentioned



land with the four boundaries set out in the said sale deed.

The District Revenue Officer felt that the writ petitioners herein should establish their case only before the jurisdictional civil Court. This was because the names of the writ petitioners or their vendors were not reflected in the earlier revenue record. Only during UDR, they became joint pattadhars. This error was corrected by the first respondent. It is true that the first respondent had passed more than one order. That was because on ground only 4.06.0 hac was available. There is no use in passing a paper order. Any public order must be capable of being enforced. The order dated 23.07.2014 should not be construed as separate order. Even a court or forum or authority lacking the power of review can always correct clerical or arithmetical errors. The DRO had recognized the right of Parkunan S/o.Nagagurusamy over 4.16.0 hac. If what is available is less than this extent, obviously, the petitioners' name cannot find mention in the revenue record. The second order should be read as a corrigendum. This approach adopted by the District Revenue Officer cannot be faulted. The petitioners have not been totally non-suited. They have only been relegated to the



jurisdictional civil Court. The impugned order cannot be set aside. This writ petition stands dismissed. Liberty is given to the petitioners to move the jurisdictional civil Court for appropriate relief. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU/skm

To:

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.
3. The Tahsildar,
Taluk Office,
Sivagangai.



WEB COPY



8

W.P.(MD)NO.13772 OF 2014

G.R.SWAMINATHAN,J.

PMU/skm

W.P.(MD)No.13772 of 2014

05.07.2023