



W.P(MD)No.15142 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15142 of 2015
and
M.P.(MD)No.1 of 2015

Thandayuthapani

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Thasildar,
Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.

4.Venkadesan

5.Selvamani

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to Pa.Mu.16899/2012 (P6) dated 26.02.2015 on the file of the 1st respondent and quash the same as illegal, unjust without jurisdiction.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 to R3.
Mr.K.R.Laxman for R4.
Mr.Babu Rajendran for R5.

ORDER

Heard the learned counsel on either side.

2.The petitioner is the son of one Karupiah. It is beyond dispute that the petitioner's father figured as a pattadar in respect of S.No.95/24, Puliur Village. However, in during UDR, S.No.95/24 was sub-divided into S.Nos.95/24A and 95/24B. S.No.95/24A reflected the name of



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Kuthiyah. S.No.95/24B reflected the names of Karmegam and A.Ramasamy Amablam. It appears that S.No.95/24B has been further sub-divided into S.No.95/25 also. The petitioner instead of moving the District Revenue Officer, Ramanathapuram, had approached the Revenue Divisional Officer, Ramanathapuram. The Revenue Divisional Officer accepted the petitioner's case. Aggrieved by the same, Venkatesan, S/o.Ramasamy Ambalam filed revision before the District Revenue Officer. In the said revision, the fifth respondent / Selvamani, S/o.Kuthiya got himself impleaded. The District Revenue Officer after considering both sides that the names entered during UDR will continue to remain. Challenging the same, the petitioner is before this Court.

3.After hearing the learned counsel on either side, I am satisfied that the issue has to be necessarily resolved only before the jurisdictional Civil Court for effective relief.

4.However, I must render a finding that the name of M.Karupiah was very much reflected in S.No.95/24 in SLR. The District Revenue Officer, Ramanathapuram incorrectly held that Karupiah's name was not



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mentioned in SLR. This finding will have to be set aside. Only during UDR, the sub-division as mentioned took place and the names of Kuthiya, Karmegam and Ramasamy Ambalam were incorporated. The learned counsel for the petitioner called upon this Court to restore the name of his father, since the error appears to have been crept in during UDR.

5.In normal circumstances, I would have considered the said request. But due of sheer lapse of time, the Writ Court is not in a position to interfere. The learned counsel for the contesting respondents relied on the decision reported in **2014 (59) R.C.R.(Civil) 244 (M.Subramanian Vs. V.K.R.Subramanian Athithan)**. Paragraph No.9 of the said order reads as follows:-

“9. The learned Single Judge has categorically found that since the appellants herein have not chosen to question the deletion of the name of the first appellant's father in the patta for more than twenty years, they cannot seek for restoration of patta in their names and the proper remedy for the appellants is only to approach the civil Court, as rightly directed by the Tahsildar. To arrive at such a conclusion, the learned Single Judge placed



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*reliance on the decision of the Division Bench of this Court in **Viswas Footwear Company Ltd., v. The District Collector, Kancheepuram, reported in 2011 (5) CTC 94**, to hold that if there is a dispute with regard to the title while applying for patta, the parties should be relegated to the competent civil Court for adjudication of their title dispute.”*

In this case, the updating of the revenue register appears to have got concluded by the year 1984 itself. The petitioner approached the Revenue Divisional Officer only during the year 2010. In fact, the Revenue Divisional Officer is not competent to correct the UDR errors. He must have approached the District Revenue Office in the very first instance. Since the third party rights have been intervened and construction appears to have come up, it is only just and proper that he approaches the jurisdictional Civil Court. If any such suit is filed within a period of six weeks from the date of receipt of a copy of this order, the jurisdictional Civil Court will number the same. All the contentions of the both parties are left open. I make it clear that except giving a finding that the petitioner's father name was found in UDR, I have not gone into the merits of the matter.



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6.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

01.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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