



W.P(MD)No.964 of 2015

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 05.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.964 of 2015  
and  
M.P.(MD)Nos.2 and 3 of 2015  
and  
W.M.P.(MD)No.14270 of 2020

1.R.Gopal (Died)

2.R.Nagalingam

3.Thirumalai Ammal

4.G.Ramanathan

5.G.Valli

... Petitioners

*(P3 to P5 are impleaded vide order dated  
07.07.2022 in W.M.P.(MD)No.10029 of  
2022 in W.P.(MD)No.964 of 2015 by RVJ)*

Vs.

1.N.Sarva Sakthi

2.N.Chandran

3.N.Ganapathy

4.N.Muthuramalingam

5.N.Nalayini

6.N.Sivakami



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7.The District Revenue Officer,  
Ramanathapuram District,  
Ramanathapuram.

... Respondents

**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 impugned order passed by the 7<sup>th</sup> respondent in Pa.Mu.52392/2013 (B6) dated 17.12.2014 in respect of Survey no.91/10 an extent of 48 cents in Puliur Village, Pullur Group, Thiruvadanai Taluk, Ramnad District and to quash the same.

For Petitioners : Mr.Babu Rajendran

For Respondents : Mr.S.A.Ajmalkhan for R4 to R6.  
Mr.N.Satheesh Kumar,  
Addl. Government Pleader for R7.  
No appearance for R1.

### **ORDER**

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the official respondent and the learned counsel for the respondents 4 to 6.

2.During the pendency of this writ petition, the first petitioner / R.Gopal had passed away and his legal heirs have been brought on record as the petitioners 3 to 5.



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3.The private respondents herein namely, respondents 1 to 6 filed a petition before the District Revenue Officer alleging that during UDR, error crept in in respect of S.No.91/10, Puliur Village. The District Revenue Officer issued notice to the original writ petitioners and after conducting proper enquiry came to the conclusion that since the SLR reflected the name of N.Kalimuthu alone, it is his legal heirs whose names should be entered in the revenue record and that the names of the writ petitioners should be deleted. However, the District Revenue Officer took note of the fact that in S.No.91/10B, Nagalingam / second petitioner herein had already put up a house and had compounded the same and was residing therein. Patta was directed to be issued in favour of the private respondents herein by excluding the said constructed portion. Challenging the same, the present writ petition came to be filed.

4.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He also contended that the private respondents moved the District Revenue Officer only in the year 2013 and that since they kept quite for



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over 20 years, the District Revenue Officer ought to have relegated the parties to the jurisdictional Civil Court. He relied on the decision of the Hon'ble Division Bench of this Court reported in **2014 (59) R.C.R. (Civil) 244 (M.Subramanian Vs. V.K.R.Subramania Athithan)**. He called upon this Court to set aside the impugned order and grant relief as prayed for.

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

6.I carefully considered the rival contentions and went through the materials on record. Even without taking note of the aforesaid decision of the Hon'ble Division Bench of this Court relied on by the learned counsel for the petitioner, the District Revenue Officer has applied the same in letter and spirit. That is why, the constructed portion in which the second petitioner is residing was ordered to be excluded while issuing patta in favour of the private respondents herein.



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7.The only question that arose before the District Revenue Officer was to see the position that obtained in SLR immediately before UDR. A copy of the SLR has been enclosed in the typed set of papers filed by the private respondents. It mentions the name of N.Kalimuthu alone. The said Kalimuthu is none other than the brother of Ramasamy and Meenakshi. Gopal and Nagalingam are none other than the sons of Ramasamy and the private respondents are the grandchildren of Kalimuthu. Therefore, the District Revenue Officer had merely applied facts and passed the impugned order. He had also taken note of the ground reality. No exception can be taken to the impugned order. It is of course open to the writ petitioners to move the jurisdictional Civil Court for establishing their rights in the manner known to law.

8.With this liberty to the writ petitioners, the order impugned in this writ petition is sustained and the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**05.09.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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To:-

The District Revenue Officer,  
Ramanathapuram District,  
Ramanathapuram.

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