



W.P(MD)No.27916 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27916 of 2023

and

W.M.P.(MD)Nos.24015 and 24017 of 2023

S.RM.Nachiappan

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

4.S.Velu

5.Karuppayee

6.Karuppaiya

7.Chellaiya

8.Peri. Ramaiya

9.Kaliammal

... 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 from the 1st respondent in his proceedings in Pa.Mu.Pi4/23913/2015 dated 16.02.2023 and quash the same.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the official respondents.

2.The petitioner questions the impugned proceedings dated 16.02.2023 passed by the District Revenue Officer, Sivagangai accepting the case of the fourth respondent herein.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the petitioner has purchased the property in question



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from one Subbiah and Ramaiah through a registered sale deed. The petitioner's vendors had patta in their names. The petitioner's name figured in the revenue record for more than 30 years. The petitioner therefore submits that the first respondent could not have passed the impugned order at the instance of the fourth respondent.

4.The contentions of the petitioner are no doubt attractive. The learned Special Government Pleader produced the copy of the 'A' register which clearly mentions the name of Silyappan and his sons namely, Velu and Subbiah. However, during UDR, the names of Silyappan, Velu and Subbiah got deleted. The names of the petitioner's vendors got incorporated. The function of the District Revenue Officer is to correct errors committed during UDR. There is no limitation for exercising this power. Therefore, the fact that for 30 years the petitioner's name figured in the revenue record cannot operate against the fourth respondent. Since the impugned order is in consonance with the entries in the “A” register, I am not in a position to interfere with the same. But the order passed by the first respondent is not the last word. It is well settled that entries in the revenue record cannot confer title nor extinguish title. The



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petitioner is therefore very much at liberty to establish his case before the jurisdictional Civil Court. The jurisdictional Civil Court will not be bound by the findings set out in the impugned order. The jurisdictional Civil Court will take a call based on the evidence adduced before it. Since the impugned order itself grants such liberty to the petitioner, the question of interfering with the same does not arise.

5. With these observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.11.2023

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

To:-

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

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3.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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