



W.P(MD)No.17585 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17585 of 2020

and

W.M.P(MD)Nos.14715 & 14717 of 2020

N.Mangayarkarasi

... Petitioner

Vs.

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

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

3.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

4.Arumugam

5.K.R.K.Karuppaiah

6.AL.Karuppaiah Chettiar

... 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 Certiorarified Mandamus, to call for the impugned order of the first respondent in Pa.Mu.Pi4/12435/2014 dated 20.03.2020 and quash the same as illegal and consequently directing the respondents 1 to 3 to restore the Patta No.2989 stands in the name of the petitioner in property in S.No.476/3B2 for an extent of 0.30.0 Acres, Therkupattu Village, Veliyathur Group, Thiruppathur Taluk, Sivagangai District.

For Petitioner : Mr.V.Thirumal

For Respondents : Mr.T.Villavankothai
Additional Government Pleader
for R.1 to R.3

Mr.S.Rajasekar for R.4

Mrs.J.Balameenakshi for R.5 & R.6

ORDER

Heard both sides.

2.The petitioner challenges the impugned order dated 20.03.2020 passed by the District Revenue Officer, Sivagangai directing restoration of the names of Karuppan Chettiyar, Alagappa Chettiyar and Ramasamy Ambalam in the revenue record in respect of land comprised in Survey



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No.476/3, Veliyathur Group, Therkupattu Village, Thirupathur Taluk (2 acres 56 cents).

3.It is not in dispute that the SLR contained the names of only the aforesaid three persons. But then, during UDR finalised in the year 1989, the old Survey No.476/3 got subdivided into 476/3A and 476/3B. While 476/3A reflected the names of Thiru.Karu.Karuppaiah Chettiyar and Thiru.Ala.Karruppaiya Chettiyar and Survey No.476/3B reflected the names of Thiru.Arumugam and Chellaiya Servai. Chellaiya Servai is none other than the father-in-law of the writ petitioner. Arumugam filed revision before the District Revenue Officer questioning the inclusion of Chellaiya Servai in the revenue record. According to him, UDR was erroneously finalised. The application submitted by Arumugam was rejected by District Revenue Officer, Sivagangai on 12.02.1991. Likewise, the revision petition filed by Sri Manickka Nachi Amman Marriage Hall Trust in the year 2009 was dismissed by the District Revenue Officer, Sivagangai on 04.09.2012. When the District Revenue Officer, Sivagangai had taken a decision that inclusion of Chellaiya Servai in the revenue record cannot be questioned, the only remedy open



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to the aggrieved parties was to move the jurisdictional civil Court. It is seen that Thiru.Arumugam had already filed one civil suit (O.S.No.103 of 2017 on the file of District Munsif Court, Thiruppathur). Therefore, the respondents 5 and 6 should also have likewise moved only the jurisdictional civil Court. When once a decision has been taken by the administrative authority, he becomes functus officio in respect of the said subject matter. He cannot revisit the issue unless the earlier order is set aside or specific remand order is passed by the Court concerned or by any higher authority. Therefore, the impugned order is set aside.

4.This writ petition is allowed accordingly. I make it clear that I have not gone into the merits of the matter. It is for the respondents herein to work out their rights in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.01.2024

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

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Copy to

The District Munsif Court,
Thiruppathur.



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G.R.SWAMINATHAN, J.

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