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W.P.(MD)NO.14665 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.09.2023

PRONOUNCED ON : 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14665 of 2015 AND

M.P.(MD)No.1 of 2015

T.S.Ramachandran Marthandan

... Petitioner

Vs.

1. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4. Ranjitham Marryammal

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.Aa2/See.Ma.No.08/2011 dated 30.12.2014 quash the same on merit.

For Petitioner	: Mr.H.Thayumanaswamy
For R-1 to R-3	: Mr.D.Gandhiraj, Special Government Pleader.
For R-4	: Mr.S.Srinivasa Raghavan

* * *

**ORDER**

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Heard both sides.

2. The case on hand raises the question as to whose name should be reflected in respect of survey No.65 Kuttam Village. At page No.97 of the typed set of papers, joint patta standing in the name of Ranjitham Marryammal and Ramachandran Marthandan is enclosed. Questioning the inclusion of Ramachandran Marthandan, Ranjitham Marryammal filed an appeal before the Sub Collector, Cheranmahadevi. The appeal was dismissed on 21.01.2011. Challenging the same, Ranjitham Marryammal filed revision before the District Revenue Officer, Tirunelveli. The District Revenue Officer, Tirunelveli had rendered findings to the effect that the inclusion of the name of Ramachandran Marthandan was incorrect. However, the operative portion of the order reads otherwise. The impugned order dated 30.12.2014 appears as if the Revenue Divisional Officer's order has been confirmed. Actually, it is not so. That is why, Ramachandra Marthandan has filed this writ petition.



3. After hearing the learned counsel on either side, I am more than satisfied that the revenue authority could not have undertaken the exercise of going into the issue of title. Reading of the order passed by the District Revenue Officer leads me to the conclusion that he had virtually approached the issue like a civil Court. The Hon'ble Division Bench of Madras High Court reported in **2011 (5) CTC 94 (Vishwas Footwear Company Ltd., V. The District Collector)** had held that such an exercise cannot be undertaken. In this view of the matter, the orders impugned in the writ petition are set aside.

4. The original position shall stand restored. In other words, the revenue record shall reflect the names of Ranjitham Marryammal as well as Ramachandran Marthandan. If the fourth respondent feels aggrieved, it is always to the fourth respondent to move the jurisdictional civil Court for appropriate relief. The learned counsel appearing for the fourth respondent stated that within eight weeks, the fourth respondent will file an appropriate civil suit. If the said suit is filed within the aforesaid period, the petitioner shall not alienate or encumber the petition-mentioned property till the disposal of the suit. This writ petition stands allowed. The petitioner is a senior citizen aged about 78 years.



The suit to be filed by the fourth respondent shall be disposed of on merits and in accordance with law within a period of two years, thereafter. If the fourth respondent fails to institute the suit, this restraint order imposed on the petitioner would stand automatically lifted. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

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

To:

1. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.



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G.R.SWAMINATHAN,J.

PMU

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