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CRP.No.6474 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6474 of 2025 and
CMP No.31988 of 2025**

A.JAGANATHAN (died)

1. J.Soundarrajan

S/o A.Jaganathan, Erankattu Thottam,
Aloothupalayam, P Vadugapalayam
Post, Palladam.

2. Sumathi

W/o. Venkidupathi, GKD Nagar, Rep
by their Power Agent, S.Manivannan
S/o. Saminathan No. 3/104, Sevankattu
Thottam, Aluthupalayam,
Vedugapalayam Post alladam Taluk
Palladam, Tiruppur Dist 641664 t

Petitioner(s)

Vs

1. The District Collector
Collectorate, Palladam Road, Tirupur.

2.The District Revenue Officer
Collectorate, Palladam Road, Tirupur

3.The Revenue Divisional Officer
Kumaran Road, Tirupur

4.The Tahsildar
Pollachi Road Palladam

1/7



5.The Settlement Tahsildar-11
Gobichettipalayam Now rep by the
Assistant Settlement Officer (South)
and the Additional Personal Assistant
to the Director of Survey and
Settlement Chepauk, Chennai 005

6.The Commissioner
Palladam Municipality, Palladam

7.A.Subbaraya Gounder
S/o. Angappa Gounder Mekkala
Thottam Aloothupalayam,
P.Vadugapalavam Post, Palladam

8.Deivathal
W/o. Late. Subbia gounder
Valayankattu Thottam
Aloothupalayam, P.Vadugapalavam
Post, Palladam

9.Karuppusamy
S/o. Late. Subbia gounder Valayankattu
Thottam Aloothupalayam,
P.Vadugapalavam Post, Palladam

10.Nachimuthu
S/o. Late. Subbia gounder Valayankattu
Thottam Aloothupalayam,
P.Vadugapalavam Post, Palladam

11.AK Arumugam
S/o. Koundappa Gounder Valayankattu
Thottam Aloothupalayam,
P.Vadugapalavam Post, Palladam



12.Murugasamy
S/o. Late. Koundappa gounder
Valayankattu Thottam
Aloothupalayam, P.Vadugapalavam
Post, Palladam

13.Nachammal
W/o. Arumugam D/o.Koundappa
Gounder Valayankattu Thottam
Aloothupalayam, P.Vadugapalavam
Post, Palladam

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decretal order passed in I.A. No. 25 / 2025 in OS 234 / 2018 dated 23/09/2025 pending on the file of the II Additional District and Sessions Judge Tiruppur.

For Petitioner(s): Mr. N.Umapathi

For Respondent(s) : Mr.N.Muthuvel, Govt. Advocate
for R 1 to R5
Mr.J.Daniel, Govt. Advocate for R6.

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Trial Court, dismissing the application filed by the petitioner, seeking examination of additional witness on the side of the petitioner and to issue summons to the District Collector for giving evidence relating to the proceedings of the Settlement Tahsildar.



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2. The petitioners herein filed a suit in O.S.No.234 of 2018 seeking declaration of title and consequential permanent injunction. The trial in the suit was already commenced and it is in the stage of recording defendant side evidence. At this stage, the petitioners filed the instant application seeking permission to examine the competent authority from the office of the District Collector, Coimbatore for the purpose of giving evidence relating to the proceedings that had taken place before the settlement officer. It is stated by the petitioners that though the settlement Tahsildar was arrayed as one of the defendants in the suit, he remained exparte. According to the petitioners, since the order passed by the Settlement Officer was pressed into service under Minor Inams Abolition Act, 1963, the present application has been filed seeking issuance of summons to the District Collector, who is having custody of the settlement records. The Trial Court dismissed the said application. Aggrieved by the same, the petitioners have come before this court.

3. The learned counsel for the petitioners would contend that even in the order passed by the settlement officer against the petitioner, it is stated that the order will not dis-entitle the petitioners from establishing their title before the



civil court. Therefore, in order to prove that the settlement officer had passed the order, without following proper procedure and observing natural justice, the petitioners have filed the above said petition to examine the competent officer from the office of the District Collector.

4. It is settled law that the petitioners/plaintiffs are entitled to prove their title based on pre-existing right, independently before the civil court. However, the correctness or otherwise of the order passed by the settlement officer cannot be challenged before the civil court and the same can be challenged only before the hierarchy of authorities constituted under the relevant Act (i.e.) Minor Inams Abolition Act, 1963. The petitioners contended that the settlement Tahsildar passed an order, without following due procedure, contemplated under Minor Inams Abolition Act, 1963 and in order to prove the same, the officials have to be summoned. It is not disputed that, challenging the order passed by the settlement officer, the petitioners have filed an appeal in CMA No.3 of 1985 before the Sub Court, Coimbatore and the same is pending till date. When the order passed by the Settlement Tahsildar has been challenged by the petitioners in the manner known to law under the provisions of Minor Inams Abolition Act, 1963, the petitioners are not entitled



to agitate the correctness of the same before the civil court. In any event, dehors the order passed by the Settlement Tahsildar, the petitioners are entitled to prove their case based on the pre-existing right independently before the civil court. Therefore, the petitioners have to lead evidence, in support of their pre-existing right. In such circumstances, the instant application filed by the petitioners, seeking summoning of officials to depose about the procedure followed by the settlement Tahsildar cannot be permitted. Therefore, I agree with the findings reached by the learned Trial Judge.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

18.12.2025

Internet : Yes
Index : Yes / No
Neutral Citation: Yes/No
MST

To

The II Additional District and Sessions Judge, Tiruppur.



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