



W.A.(MD)No.967 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.967 of 2022
and
C.M.P.(MD)No.7840 of 2022**

Jebamony (Died)

J.John Kennedy

... Appellant

*(The appellant is substituted vide order dated
09.12.2025 in C.M.P.(MD)No.19654 of 2025 in
W.A.(MD)No.967 of 2022 by GRSJ & RKMJ)*

Vs.

- 1.The Assistant Director of Rural Development,
Kanyakumari District.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The District Revenue Officer,
Nagercoil,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.



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5.The Taluk Supply Officer,
Agasteeswaram Taluk,
Nagercoil, Kanyakumari District.

6.The President,
Melasankarankudi Village Panchayat,
Santhapuram Post, Agasteeswaram Taluk,
Kanyakumari District.

7.The District Supply Officer,
Kanyakumari District at Nagercoil.

8.Soosai Micheal ... Respondents
(R8 is impleaded vide order dated 09.12.2025 in
C.M.P.(MD)No.19659 of 2025 in W.A.(MD)No.967
of 2022 by GRSJ & RKMJ)

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow
the writ appeal by setting aside the order dated 09.06.2022, passed in
W.P.(MD) No.4601 of 2011 on the file of this Court.

For Appellant : Mr.V.Ragavachari, Senior Counsel,
For Mr.C.Robert Bruce.

For Respondents : Mr.S.S.Madhavan,
Addl. Govt. Pleader for R1 to R5 & R7.
Mr.Sakthi Siddharth for R8

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.



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2. One S. Jebamony was a resident of Agasteeswaram Taluk in Kanyakumari District. The question turns on the name of the village in which he actually resided. According to S. Jebamony, the village should be called as Paul Daniel Puram. A claim was made first before the Assistant Director of Rural Development, Nagercoil. The said authority vide communication dated 23.06.2009 informed S. Jebamony that nowhere the name of Paul Daniel Puram has been displayed in the village and that without getting permission from the Government, name change stood prohibited. Challenging the said communication, Jebamony filed W.P.(MD)No.4601 of 2011. Subsequently, another claim was made before the District Collector, Kanyakumari. The District Collector vide proceedings dated 28.04.2014 informed Jebamony that the name of village will be maintained only as Sadayalputhoor pursuant to the Civil Court's decree which had become final. Questioning the said communication, Jebamony filed W.P.(MD)No.14381 of 2014. Both the writ petitions were taken up together and vide common order dated 09.06.2022, they were dismissed. Challenging the same, Jebamony filed W.A.(MD)No.967 of 2022. The said writ appeal is directed only against the dismissal of W.P.(MD)No.4601 of 2011. For reasons that are not



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evident or clear, the order dismissing W.P.(MD)No.14381 of 2014 has been left unchallenged.

3.During the pendency of this writ appeal, Jebamony passed away and his son has come on record to prosecute the same.

4.The learned senior counsel appearing for the appellant reiterated all the contentions setout in the grounds of appeal. His core contention is that it is the District Collector who has to decide the name of the village and that it is not an issue of a civil nature and that therefore, the decree referred to by the District Collector is of no consequence. According to him, the decree dated 20.01.2003 made in O.S.No.358 of 1983 on the file of Additional District Munsif Court, Nagercoil can rather be ignored. He took us through the typed set of papers and endeavoured to convince us that the village in question had all along been named only as Paul Daniel Puram and that the Civil Court committed an egregious error in granting the relief of declaration and permanent injunction. He also would add that in several official records, the name of the village has been mentioned only as Paul Daniel Puram. He illustrated his argument by



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pointing out that if in a person's passport, the village had been referred to as Paul Daniel Puram and if it is known as Sadayalputhoo, it would cause considerable confusion and also hardship to the holder of record. He called upon this Court to interfere with the impugned order and allow the writ appeal as prayed for.

5.Per contra, the learned counsel appearing for the contesting respondent submitted that the learned Single Judge had correctly approached the issue and that interference with the same is not warranted.

6.The learned Additional Government Pleader for the official respondents also endorsed the submissions of the learned counsel for the contesting respondent.

7.We carefully considered the rival contentions and went through the materials on record. We notice that the dispute is essentially between two denominations of Christianity ie., Protestant and Roman Catholic. Jebamony / writ petitioner is a Protestant Christian and he took exception



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to the naming of the village as Sadayalputhoo. The Roman Catholics on the other hand want the village to be called only by the name Sadayalputhoo.

8.It is not as if this dispute has arisen for the first time. As early as in the year 1983, a suit was instituted in this regard in O.S.No.358 of 1983 on the file of the Additional District Munsif Court, Nagercoil. The prayer in the suit was that the suit village should be called only as Sadayalputhoo and that in the Government and Panchayat records, the name of the village should find mention as Sadayalputhoo and not by any other name. Witnesses were examined on either side and a number of documents were also marked. It was a contested suit. The Government of Tamil Nadu figured as the first defendant. On 20.01.2003, the trial Court decreed the suit as prayed for. Admittedly, the aforesaid judgment and decree has become final and it was not put to challenge.

9.The learned Single Judge dismissed the writ petitions primarily on the footing that since the Government was a party, it was bound by the



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same and it is in that view of the mater, the writ petitions suffered dismissal. It is for this reason, the learned senior counsel for the appellant would attempt to persuade us to ignore the decree as void.

10.It is true that Section 4 of the Tamil Nadu Panchayats Act, 1994 confers jurisdiction on the District Collector (Inspector of Panchayat) in this regard. Section 4(1)(c) reads as follows:-

“4. Formation of Panchayat Villages. – (1) The Inspector,-

(a)

(b)

(c) The Inspector may, by notification, -

(i) include in a Panchayat Village any local area contiguous thereto; or

(ii) cancel or modify a notification issued under sub-section(1); or

(iii) alter the name of any Panchayat Village specified under sub-section (1).”

11.It can be seen from the above that the jurisdiction conferred on the District Collector was only regarding alteration of the name of the any panchayat village specified under Sub-Section 1 of Section 4. The issue before the Civil Court was by what name, the suit village had to be



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called. According to the plaintiffs, it was always called as Sadayalputhoo and that the name of Paul Daniel Puram was rather in interpolation. If the prayer in the suit was that the authorities should be mandated to alter the name of the village, then we would have no hesitation in holding that the Civil Court would not have any jurisdiction. That is not the case herein. We are therefore not able to agree with the contention of the learned senior counsel that the suit decree dated 20.01.2003 made in O.S.No.358 of 1983 on the file of Additional District Munsif Court, Nagercoil has to be ignored as nullity.

12.However, we want to remark in passing that while the relief of declaration was within the jurisdiction of the Civil Court to grant, the trial Court had exceeded its jurisdiction by restraining the Government from altering the name. When the Statute empowers the Inspector of Panchayats to alter the name of the village, the District Court could not have restrained the authority from discharging his statutory functions. Be that as it may, the District Collector, Kanyakumari has chosen to accept the decree of the trial Court and abide by the same. Therefore, it is not for the writ petitioner or the appellant herein to argue to the



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contrary.

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13.As rightly pointed out by the learned counsel for the contesting respondent, the order passed by the learned Single Judge was a common order. Jebamony had filed two writ petitions. He had challenged the communication of the Assistant Director of Rural Development. He had also challenged the order passed by the District Collector. Both the writ petitions were dismissed. Unfortunately, only one writ appeal came to be filed. In other words, the order passed by the District Collector on 28.04.2014 which was impugned in W.P.(MD)No.14381 of 2014 had remained unchallenged. This part of the order of the learned Single Judge has become final. Though, the principle *res judicata* may not be strictly applicable when it comes to writ appeal, nevertheless the spirit behind Section 11 of Civil Procedure Code can very well be invoked by us. Since the appellant herein failed to challenge the order dismissing W.P.(MD)No.14381 of 2014, we are of the view that it is not possible to interfere with the order of the learned Single Judge.

14.We notice that in passports, birth certificates and death



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certificates, the name of Paul Daniel Puram had been mentioned. We declare and clarify that this shall be read as Sadayalputhoo for all purposes.

15.The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
11.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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10/12



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