

W.A(MD) No.1129 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD) No.1129 of 2022

Thirumal

... Appellant / 4th Respondent

Vs

1.Nagendran

2.Manoharan

3.Megarajan

4.Deivendran

5.Ravindran

6.Rajendran

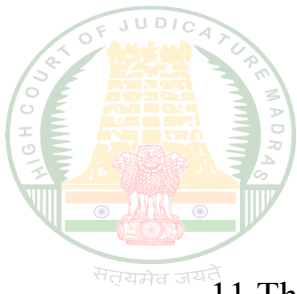
7.Mahendran

8.Gururajan

**9.The District Revenue Officer,
Ramanathapuram.**

**10.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.**

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11. The Zonal Deputy Tahsildar,
Kamuthi Taluk,
Ramanathapuram.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 15.06.2022 made in W.P.(MD)No. 7496 of 2011 and allow this writ appeal by confirming the order passed by the District Revenue Officer vide C.R.No.279 of 2009 (B5), dated 28.03.2011.

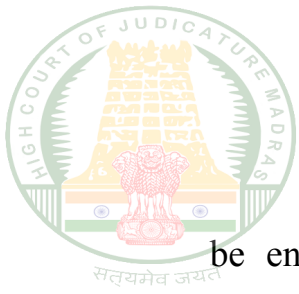
For Appellant : Mr.K.P.Narayanakumar
For Respondents : Mr.S.R.A.Ramachandran
Special Government Pleader
for R9 to R11

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The case on hand pertains to the issue as to whose name should be reflected in the revenue record in respect of Survey No.70/2, Thavasikurchi Village, Ramnad. The appellant herein Thiru.Thirumal submitted petition before the RDO, Paramakudi demanding that his name



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be entered in the revenue record. He demanded that the name of Nagendran and others should be deleted. The RDO, Paramakudi directed the restoration of the name of Seeni Nadar which name originally obtained following the settlement proceedings. Even though the RDO, Paramakudi vide proceedings dated 05.10.2007 did not fully consider the Thirumal's claim, for reasons that are not quite clear, Thirumal did not file any revision before the DRO, Ramanathapuram. It was only Nagendran Vagaira who went before the DRO, Ramanathapuram. The DRO, Ramanathapuram while disposing of the revision petition directed incorporation of the name of the appellant Thirumal in the revenue record in respect of Survey No.70/2. Challenging the same, Nagendran Vagaira filed W.P.(MD)No.7496 of 2011. The writ petition was disposed of vide order dated 15.06.2022 in the following terms:-

“4.The contention of both the parties reveal that there is a title dispute. The said issue can be decided only by a competent Civil Court and any DRO or any other Revenue authority's order will not be binding on the Court.

5.The reading of the impugned order indicates that the first respondent has analyzed in detail the title of both the parties and the boundary recitals in all the documents and thereafter, ultimately has arrived at the conclusion one Poongothai is having title and it is clearly outside the jurisdiction of the Revenue authority. Hence, the order is set aside.

6.In view of the above said discussion, the following order is passed.

i. The impugned order herein is set aside.

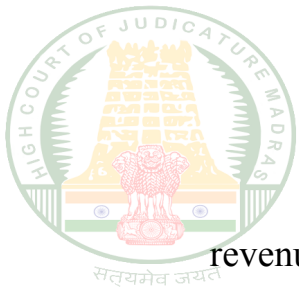


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ii. Either the writ petitioner or the fourth respondent is at liberty to approach the Civil Court for declaration of their title and for confirmation for their alleged possession over their disputed property.”

Challenging the same, Thirumal had filed this writ appeal.

3. After hearing the learned counsel on either side at length, we conclude that the learned Judge rightly interfered in the matter. This is for more than one reason. Even though it was Nagendran who went first before the DRO, Ramanathapuram, the RDO, Paramakudi vide order dated 05.10.2007 directed restoration of the position that originally obtained following settlement. In other words, even while directing deletion of the names of Nagendran and others, the name of Seeni Nadar was directed to be restored. Aggrieved by the same, Nagendran Vagaira went before the DRO, Ramanathapuram. Thirumal does not appear to have challenged the order dated 05.10.2007 passed by the RDO, Paramakudi. But the DRO, Ramanathapuram, for reasons that are not quite clear, chose to sustain the claim of Thirumal, even though it was not accepted by the original authority. We wanted to know as to whose name was originally reflected in the revenue record. The learned counsel appearing for the appellant fairly stated that before settlement, the



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revenue record reflected the name of Sivaprakasham Pillai. But after settlement, the name of Seeni Nadar was entered. If according to the appellant, they have title and Seeni Nadar's name was wrongly entered, this mistake could be corrected only in a regular civil suit. If there is an FMB or UDR error, the DRO can correct the same. A settlement error cannot be corrected by the DRO. In any event, a mere look at the materials on record would indicate that there is a pucca civil dispute between the parties. It is well settled that the revenue authority cannot adjudicate any rival question of title. The Hon'ble Division Bench in the decision reported in *2011 (5) CTC 94 (Vishwas Footwear Company Ltd., Vs. The District Collector)* had held as follows:

“19.On the strength of the title or possession, if any other person makes an Application to the Revenue Divisional Officer for cancellation of that Patta and in the event both the individuals claim title over the property, **the Revenue Divisional Officer cannot adjudicate such disputed questions and accepting the case of the other person, he cannot cancel the Patta. The right course to be adopted by the Revenue Divisional Officer in such case is only to refer the Applicant who has come before him seeking for cancellation of Patta to Civil Court**, especially when his claim is disputed by the individual who is holding the Patta



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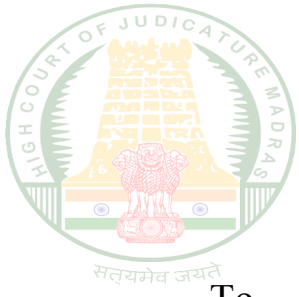
granted by the Competent Authority. In the event the Revenue Divisional Officer by exceeding his jurisdiction decides the question of title and cancels the Patta, certainly the aggrieved person can approach this Court by way of a Writ Petition on the ground that the Revenue Divisional Officer was not competent to go into the title.”

4. The order passed by the RDO stands restored. It will abide by the outcome of the suit to be filed by the parties. The learned single Judge had only applied the ratio laid down in *Vishwas Footwear* case. He had not gone into the merits of the matter and had rightly not given any observation on the title or possession of the respective parties. Interference with the said order is not warranted.

5. The writ appeal is dismissed. No costs.

(G.R.S., J.) (M.J.R., J.)
19.03.2025

Index : Yes / No
Internet : Yes / No
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