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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.23431 of 2024

and

W.M.P(MD)Nos.19831 & 23145 of 2024

Ramamoorthy

...Petitioner

Vs

1. The District Collector,
Dindigul District.

2. The District Revenue Officer,
Dindigul,
Dindigul District.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sub Collector Office Road,
Dindigul District.

4. The Tahsildar,
Nilakkottai Taluk,
Dindigul District.

5.K.Thandapani

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to impugned order in Na.Ka.No.933475/2023/D6 dated 29.09.2023 passed by the 2nd respondent and quash the same as illegal.



For Petitioner : Mr.C.Saravanakumar
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R1 to R4
Mr.Ram Sundar Vijayaraj
for R5

ORDER

An order dated 29.09.2023 of the District Revenue officer restoring revenue records to the status prevailing as per settlement register of 1964 is challenged in this writ petition.

2. The primary ground of challenge canvassed by learned counsel for the petitioner is that the second respondent decided the validity of registered documents, such as settlement deeds, by exercising jurisdiction vested in a civil court. By referring to relevant paragraphs of the impugned order, learned counsel contends that it is recorded therein that the settlements effected by Subramanian in respect of S.No.153/9 cannot be accepted. He also points out that the 5th respondent herein has filed a civil suit in O.S.No.169/2025 challenging the settlement deeds and that the order impugned herein calls for interference in that context.



3. On the contrary, learned counsel for the 5th respondent submits that the District Revenue Officer exercised jurisdiction strictly in accordance with G.O.Ms.No.385, dated 17.08.2004 by examining whether UDR errors were committed. Therefore, he contends that there is no infirmity in the order impugned herein.

4. On perusal of the impugned order, it is noticeable that revenue records starting from the SLR were examined. As per the SLR, it was noticed that the patta in respect of S.No.153/9 stood in the name of Kamayasamy Naickar, Sangili Pathan and Ponnusamy Chetty for and on behalf of Kaliyamman Temple. Thereafter, it was also noticed that the patta was in the names of Arumugasamy Naickar, Sangili Pathan and Ponnusamy Chetty for the Kaliyamman temple as per the 1964 settlement register. By comparing the same with the UDR 'A' register, it was noticed that patta had been issued in respect of subdivided S.No.153/9A in the name of A.Subramanian. In those circumstances, after recording that there was no link between the pre UDR pattadhars and the post UDR pattadhars, it was recorded that the settlements made by Subramanian in favour of Ramamoorthy, Radhika, Vijaya and Jothi Basu cannot be accepted.



5. In order to fulfil obligations under G.O.Ms.No.385, it is necessary for the District Revenue officer to examine the pre UDR and post UDR records, as also title documents to ascertain whether there is a link between the pre UDR and post UDR pattadhars. Undertaking this exercise cannot be construed as deciding title. In the case at hand, the 5th respondent has approached the jurisdictional civil court to cancel the settlement deeds executed by Subramanian in favour of Ramamoorthy, Radhika, Vijaya and Jothi Basu because such power cannot be exercised by the District Revenue Officer and has, in fact, not been exercised by him.

6. In these facts and circumstances, the restoration of the revenue records in the names of the pattadhars as per the 1964 settlement register is in order. Since I find no infirmity in such order, this writ petition is dismissed without any order as to costs. Consequently, connected writ miscellaneous petitions are also closed.

03.11.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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SENTHILKUMAR RAMAMOORTHY, J.

RJR

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