



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2016

CORAM

THE HONOURABLE **MR. JUSTICE B. RAJENDRAN**

W.P(MD) .No.9788 of 2014

and M.P.No.1 of 2015

1.R.Ilangovan

2.Singammal

... Petitioners

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Special Tahsildar
Adi Dravidar Welfare
Devakottai, Sivagangai District

3.The Tahsildar,
Taluk Office, Karaikudi,
Sivagangai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of declaration to declare that the 1st respondent 4(1) Notification dated 26.12.1995 in respect of the petitioners' land deemed to have been lapsed in respect of land in S.No.145/1A in an extent of 0.09.0 out of 1.24 acres and 145/1B in an extent of 0.09.0 out of 0.85.0 acres in Vettaikaranpatti Village, Karaikudi Taluk, Sivagangai District.

For petitioner : MrJ.John

For Respondents : Mr.S.Kumar

Additional Government Pleader

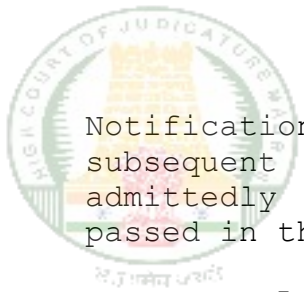
ORDER

The petitioner seeks for a declaration declaring that the 1st respondent 4(1) Notification dated 26.12.1995 in respect of the petitioners' land deemed to have been lapsed in respect of land in S.No.145/1A in an extent of 0.09.0 out of 1.24 acres and 145/1B in an extent of 0.09.0 out of 0.85.0 acres in Vettaikaranpatti Village, Karaikudi Taluk, Sivagangai District.

2.Today, the matter is posted for impleading the alleged beneficiaries as parties. It is submitted that they have no locus standi at that point of time to implead. Therefore, the petition to implead is dismissed.

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

4.The learned counsel for the impleading respondents brought to the notice of this Court that the vendor of the petitioner filed a writ petition challenging the 4(1) Notification dated 26.12.1995 in W.P.No.2288 of 1996 and that writ petition was dismissed for non prosecution by this Court on 29.10.2007. Now, the purchaser has come forward with the present writ petition challenging the very same 4(1)



Notification. It is also averred by the petitioner that he was the subsequent purchaser and he purchased in the year 2003, which is admittedly after the 4(1) Notification and even 6 Declaration has been passed in the year 1995.

5. In the impleading petition in Para 3 and 4, it is stated as follows:

"3.I submit that the petitioners are residing in the address above mentioned with their respective family members and doing coolie work. Furthermore the petitioners are belonged to the scheduled caste community and they are landless poor. I further submit that the 4th respondent herein had issued a 4(1) notification on 26.12.1995 in respect of the lands situated in Survey No.145/1A, 1B, Vettaikaranpatti Village, Karaikudi Taluk, Sivagangai District along with other property for the purpose of providing house site to the Adi Dravidars as per the scheme of the State and the petitioners are the beneficiaries. I further submit that the 3rd respondent herein had acquired all those properties after complying all the due procedure as contemplated under law.

4. further humbly submit that during the time of above said acquisition, one Tholkappian and Parry are the owners of the land situated in Survey No.145/1B and 145/1A, Vettaikaranpatti Village, Sivagangai District. It is pertinent to note that by that time itself one of the owner named Mr.Parry has filed a writ petition before the Honourable High Court of Madras, Principal Bench in W.P.No.2288 of 1996 challenging the notification dated 26.12.1995 insofar as the land situated in Survey No.145/1A measuring 0.09.0 out of 1.24.0 Hectares and comprised in S.No.145/1B to an extent of 0.85.0 Hectares in Vettaikaranpatti Village, Devakottai Taluk, Sivagangai District. Initially the Honourable High Court was pleased to grant an interim stay. However the said writ petition was dismissed for non-prosecution on 29.10.2007 and as against the same neither restoration application nor any appeal has been preferred. Therefore, the order passed in W.P.No.2288 of 1996 on the file of the Principal Bench of this Honourable Court becomes final."

6. As per the decision of the Hon'ble Supreme Court, no writ will lie, even after the VI declaration. However, it is seen that the vendor has filed the writ petition, for the very same cause of action, the purchaser/petitioner has filed. Hence, the writ petition is not maintainable and the same is, accordingly, dismissed. No costs. Consequently, connected M.P.Nos.2 and 3 of 2014 are also dismissed.

Sd/-

Assistant Registrar

/True copy/



To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Special Tahsildar
Adi Dravidar Welfare
Devakottai, Sivagangai District

3.The Tahsildar,
Taluk Office, Karaikudi,
Sivagangai District

+1 CC to Mr.S.MUTHUKUMAR, Advocate, SR No.11911

+1 CC to THE SPECIAL GOVERNMENT PLEADER , SR No.11830

+1 CC to Mr.J.JOHN, Advocate, SR No.11807

W.P (MD) .No.9788 of 2014
01.03.2016

RR

SH/GSV-PM:13.04.2016:4P/7C