



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
AND
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.21299 of 2016
and
W.M.P. (MD)No.15236 and 15237 of 2016

R.M.Subramanian : Petitioner

Vs.

- 1.The District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Iluppur,
Pudukkottai District.
- 4.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.
- 5.PL.K.Palaniappan : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed in Mu.Mu.A3/4489/2015 dated 04.11.2015 passed by the third respondent and consequential revision order issued by the second respondent in Ni.Mu.477/16/Aa3, dated 28.07.2016 in respect of Resurvey Nos.498/1, 498/5 and 497/8, 497/15 and 497/16 and quash the same and also direct the respondents 1 to 4 to take proper action for the removal of the unauthorized construction made by the 5th respondent in the aforesaid lands in Survey Numbers 498/1, 498/5 and 497/8, 497/15, 497/16 of Bhagavandipatti Village, Valaiyapatti Post, Ponnamaravathy Taluk, Pudukkottai District.



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For Petitioner : Mr.V.Nagendran
For Respondents 1to4 : Mr.Aayiram K.Selvakumar,
Government Advocate
For Respondent No.5 : Mr.M.Ajmalkhan,
Senior Counsel,
For Mr.R.M.Arun Swaminathan

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this litigation under the guise of a Public Interest Litigation challenging the order passed by the third respondent, which was confirmed by the second respondent, wherein the second respondent has restored the patta for the property in the name of the fifth respondent.

2. According to the petitioner, the property comprised in Survey Nos.498/1, 498/5, 497/8, 497/15, 497/16 at Bhagavandipatti Village, Ponnamaravathy Taluk, Pudukkottai District belonged to the Government and, therefore, the impugned orders are liable to be set aside.

3. The petitioner has filed a number of documents including the 'A' Register. The 'A' Register for the said survey numbers shows that originally the patta stood in the name of one Mr.Palaniappa Chettiar, who is none other than the grandfather of the fifth respondent. In the impugned order, what has been done is that a wrong entry made in the revenue records classifying the property as a vacant site has been now deleted, instead, patta has been rightly restored in the name of the fifth respondent. If the petitioner has got any grievance regarding the same, it is for him to go to the Civil Court.

4. Mr.M.Ajmal Khan, learned Senior Counsel appearing for the fifth respondent would submit that there is no public interest at all involved in this Writ Petition. According to him, the petitioner is none other than the brother of the Village Panchayat Board President. Since the Village Panchayat Board President refused to pass order on some applications made by the fifth respondent, the fifth respondent made complaint against the Village Panchayat Board President to the authorities. Since the Village Panchayat Board President, namely the brother of the petitioner had grievance regarding the same, he has instigated the petitioner to file the present litigation.

5. We find force in the said argument. From the records, it is clear that if at all there is a dispute in respect of the title for the property, it is for the Civil Court alone to decide.

'A' Register shows that the patta for the property stood in the name of grandfather of the fifth respondent and there were subsequent documents executed between the parties, like sale deed, partition deed, etc., which are ancient documents.

6. In such view of the matter, we are of the view that this litigation is not a Public Interest Litigation and it is a private interest litigation filed on misconception of facts and law. Therefore, the Writ Petition is liable to be dismissed.

7. When we expressed that it is a fit case where this Court should impose heavy cost on the petitioner for having wasted the time of this Court, the learned counsel for the petitioner submitted that he would not press for any order in this Writ Petition and, therefore, the Writ Petition may be dismissed as not pressed. He further submitted that this Court may not impose cost on the petitioner.

8. Having considered the above submissions made by the learned counsel for the petitioner and taking a very sympathetic view in this matter, we do not impose any cost on the petitioner. The Writ Petition is, accordingly, dismissed. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Revenue Divisional Officer,
Iluppur,
Pudukkottai District.

4.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.

+1 cc to MR.R.M.ARUN SWAMINATHAN, Advocate SR.No.66165

+1 cc to Special Government Pleader SR.No.67014

Order made in

W.P. [MD].No.21299 of 2016

Dated: 07.11.2016