



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A. (MD) .No.233 of 2017 &  
C.M.P. (MD) .No.2416 of 2017

S.Dhanalakshmi ...Appellant/Petitioner

Vs.

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
  - 2.The District Revenue Officer,  
Sivagangai District,  
Sivagangai.
  - 3.The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.
  - 4.The Tahsildar,  
Karaikudi,  
Sivagangai District.
- ... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clauses 15 of Letters Patent to allow the appeal and set aside the order of this Court in W.P. (MD).No.2381 of 2014, dated 29.10.2015.

Prayer in WP(MD)No.2381/2014:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from dispossessing the petitioner from Survey No.301/4 part measuring about 0.70 hec in Kalanivasal Village, Karaikudi Taluk, Sivagangai District.

|                 |                               |
|-----------------|-------------------------------|
| For Appellant   | : Mr.T.Antony Arul Raj        |
| For Respondents | : Mr.T.Muruganantham          |
|                 | Additional Government Pleader |

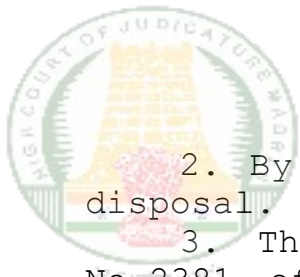
JUDGMENT

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[Judgment of the Court was made by T.S.SIVAGNANAM,J]

Heard Mr.T.Antony Arul Raj, learned counsel for the appellant

<https://hcservices.courts.gov.in/hcservices/>  
Mr.T.Muruganantham, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



2. By consent, the writ appeal itself is taken up for final disposal.

3. The appellant challenges the order passed in W.P.(MD). No.2381 of 2014, dated 29.10.2015. The said writ petition was filed to issue a Mandamus forbearing the respondents from dispossessing the petitioner from Survey No.301/4 part, measuring about 0.70 hectares, in Kalanivasal Village, Karaikudi Taluk, Sivagangai District. The learned Single Judge, who heard the writ petition, by a detailed order dismissed the same. What is shocking to note is that the attitude of the appellant in filing writ petition after writ petition and all the writ petitions have been dismissed. At this juncture, it would be relevant to quote paragraphs 6 and 7 of the order dated 29.10.2015 in W.P.(MD). No.2381 of 2014 hereunder:-

" 6. Both the writ petitions were dismissed along with batch of writ petitions, by this Court, on 24.09.2008 on the ground that the Assistant Settlement Officer had committed fraud for issuance of Ryotwari Patta to various persons, including the petitioner and criminal cases were initiated against the said Assistant Settlement Officer and against all the beneficiaries including the petitioner. The petitioner has not filed any appeal against the said order. The said order has become final. Subsequently, the petitioner filed W.P. (MD).No.12806 of 2012, seeking a direction to the Tahsildar, Karaikudi, Sivagangai District, the fourth respondent herein, to issue Patta in respect of the lands in T.S.Nos.922/9, 10 and 11, at Kalanivasal Village, Karaikudi Taluk, Sivagangai District and forbearing the respondents from putting up any construction therein. The said writ petition was dismissed by this Court (Myself), by order dated 24.02.2015. In the said order, I referred to the dismissal of earlier W.P.(MD).Nos.977 and 978 of 2006 filed by the petitioner. I also noted the fact that the Assistant Settlement Officer and Revenue officials committed irregularities and proceedings were initiated against the said officials.

7. The petitioner, in W.P.(MD).No.977 of 2006, prayed for a direction to forbear the respondents therein, their men, agents, subordinates or any one claiming under them from in any manner interfering with the peaceful possession and enjoyment of the petitioner to the extent of 0.70.00 hectares in S.No.1-3-301/4 Part No.13, Kalanivasal Village, Karaikudi Taluk, Sivagangai District and to carryout the amendments in the revenue records and taluk accounts in the name of the petitioner. The said writ petition was considered on merits and dismissed holding that the petitioner is not entitled to the said relief. The petitioner has not filed any appeal against the said order. Therefore, the said order has



become final. Now, the petitioner is claiming the very same relief in a different form and mentioning only a part of S.No.301/4, in this writ petition. She has stated that the Ryotwari Patta was granted in respect of 0.70.0 hectares in T.S.No.301/4 and 0.36.50 hectares in T.S.No.2/3-167 at Kalanivasal Village, karaikudi Taluk, Sivagangai District. It is not open to the petitioner to claim the very same relief mentioning the land in S.No.301/4 part, measuring an extent of 0.70 hectares at Kalanivasal Village, Karaikudi Taluk, Sivagangai District. The petitioner is trying to mislead this Court and playing fraud on this Court. The petitioner is filing successive writ petitions in respect of the very same survey numbers, claiming similar relief in one form or another. This sort of practice should not be encouraged, but must be deprecated. "

4. The learned counsel appearing for the appellant referring paragraph 7 of the order extracted above, would submit that the learned Judge has observed that the appellant has not filed any appeal against the said order, but writ appeal has been filed.

5. Be that as it may, there is no interim order in the writ appeal. In the grounds of appeal, the appellant has not been able to point out any error in the observation/findings recorded by the Court in paragraphs 6 and 7 of the order in W.P.(MD).No.2351 of 2014. Appellant has not made out any grounds to interfere with the order of the learned single Judge. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Sivagangai District, Sivagangai.

2.The District Revenue Officer,  
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,  
Devakottai, Sivagangai District.

4.The Tahsildar,  
Karaikudi, Sivagangai District.

+One cc to Mr.T.Antony Arulraj, Advocate, SR.No.15210

+One cc to The Special Government Pleader, SR.No.15109

jikr

RL/7C/3P/SKN/RSK/24.3.2017

<https://hcservices.ecourts.gov.in/hcservices/>

JUDGMENT MADE IN

W.A. (MD) .No.233 of 2017 &

C.M.P. (MD) .No.2416 of 2017

15.03.2017