



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) .No.381 of 2018

B.Basheer

.. Appellant /Writ Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Principal Secretary,
Department of Revenue Administration,
Fort St.George,
Chennai.
2. The Special Commissioner and
Land Administration Commissioner,
Chepauk, Chennai-5.
3. The Assistant Land Tax Scheme Officer (South)
O/o.Special Commissioner and
Land Administration Commissioner,
Chepauk, Chennai-5.
4. The District Collector,
Dindigul District,
Dindigul.
5. The District Revenue Officer,
Dindigul District,
Dindigul.
6. The Managing Director,
Chettinad Cement Corporation,
Rani Seethai Hall,
Thousand Lights,
Chennai.

7.K.Abdul Karim

... Respondents /Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act,
against the order passed by this Court in W.P.(MD).No.16446 of
2013 dated 04.10.2013.



Prayer in WP(MD). 16446/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No. 8841/2012/D2 dated 07.05.2012 on the file of the Respondent No. 5 and consequently direct the Respondent No.1 to reclassify the land as private land and issue patta to the petitioner for the total extent of 13.60 acres of land situated in Survey No. 65 in Tholipattu Village, Vedasandur Tk, Dindidul District within the time stipulated by this Honble Court.

For Appellant	:	Mr.T.Lajapathi Roy
For R1 to R5	:	Mr.VR.Shanmuganathan, Spl. Govet. Pleader
For R6	:	Mr.A.Suresh Kumar
For R7	:	Mr.AL.Kannan

JUDGMENT

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

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr.A.Suresh Kumar, learned counsel appearing for the sixth respondent and Mr.AL.Kannan, learned counsel appearing for the seventh respondent.

2.This appeal is directed against the order passed in W.P. (MD).No.16446 of 2013, dated 04.10.2013.The appellant filed the writ petition challenging the order passed by the District Revenue Officer, Dindigul District dated 07.05.2012 rejecting the petitioner's request for grant of patta by reclassifying the land comprised in Survey No.65 in Tholipattu Village, Vedasandur Taluk, Dindigul District, as a private land and to direct the Revenue Authorities to issue patta in respect of the said land. There are two private parties to the litigation viz., 6th respondent, which is a Company represented by the Managing Director, Chennai and the 7th respondent is an individual. The fifth respondent passed the impugned order in the writ petition held that the land in question is a Government land, which has been used as a burial ground by the Muslims and a portion used as grazing ground poromboke and there is a Oodai passing in the said land. Therefore, the request for granting patta to the said land was rejected. The proceedings impugned in the writ petition were passed under the provision of Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948. In the writ petition, the order was passed on 07.05.2012, the petitioner approached the writ Court only in the year 2013, after nearly, one



year and 8 months. Further the Writ Court found that there is nothing to prove that the petitioner is in possession and enjoyment of the lands in question. The petitioner has impleaded the respondents 6 and 7 in the writ petition, on the ground that there is a private dispute between the parties.

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3. The learned counsel for the 6th respondent is taking a different stand that the 6th respondent does not claim any right or title over the land, as the land is a Government land and the 6th respondent has been permitted to instal their conveyor belt in the said lands. It is not clear as to what is the dispute between the appellant and the 7th respondent. In any event, if there is a private dispute between the appellant and the 7th respondent that needs to be settled before the Civil Court and not by the way of writ petition. Therefore, if the appellant is able to establish title then only the appellant can canvass the matter before the statutory authorities. Thus for the above reasons, we are not inclined to entertain this appeal and accordingly, the writ appeal fails and stands dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

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VB/JC/SAR4/16.04.2018/4P/7C

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