

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.12200 of 2016

A.P.B.Veerabadhiran

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.

2.The State of Tamil Nadu,
rep by its Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 600 009.

3.The Director General of Police,
Santhome High Road,
Mylapore, Chennai - 600 004.

4.The Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chempauk,
Chennai - 600 005.

5.The District Collector,
Trichirappalli District,
Trichirappalli.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to delete the entries mentioned in the Revenue Records as Poramboke land and execute the Sale Deed in favour of the petitioner in respect of 2.17 acres situated in S.No.49B and 51A, New S.No.162/4 at Musiri Village, Trichirappalli District.

For Petitioner : Mr.K.Sannjay

For Respondents : Ms.A.Madhumathi,
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to delete the entries mentioned in the Revenue Records as Poramboke land and execute the Sale Deed in favour of the petitioner in respect of 2.17 acres situated in S.No.49B and 51A, New S.No.162/4 at Musiri Village, Trichirappalli District.

2.It is the case of the petitioner that the lands measuring 2.17 acres situated in S.No.49B and 51A belongs to the forefathers of the petitioner and that in the year 1921, the same was erroneously re-classified as Government Poramboke and a Police Quarters was constructed. Mr.K.Sannjay, learned counsel for the petitioner relied upon the Revenue Records. On a perusal of the same, it would establish that S.Nos.49B and 51A were classified as Government Poramboke and also mentioned as "Police Line". The learned counsel for the petitioner further submitted that the petitioner's forefathers gifted the land in S.No.51B for constructing a School. However, S.No.51B is not the subject matter of the present Writ Petition.

3.Admittedly, the petitioner had slept over for more than 90 years in questioning the classification of the land as Government Poramboke. That apart, on a perusal of the prayer sought for in the Writ Petition, it could be seen that the petitioner is seeking for a direction to the authorities to execute the Sale Deed in his favour, which implies that the respondents are the owners of the land. When the petitioner himself admits that the respondents are the owners of the land and seeking for a direction to execute a Sale Deed in his favour, the same cannot be granted in a Writ Petition under Article 226 of the Constitution of India. If at all, the petitioner can only file a Civil Suit seeking for such a direction by adducing oral and documentary evidences. The learned counsel for the petitioner also submitted that there were Civil Suits filed in the year 1913, however, the said suit was filed only against private parties. Further, the petitioner cannot rely upon the decree dated 27.09.1916 passed in O.S.No.21 of 1913. When the Government is the owner of the land in question, the plaintiffs in the suit should have made Government as a party. When the issue has already been settled long back, classifying the land in question as Government Poramboke, the same cannot be un-settled after a period of 90 years. Further, in the prayer in the Writ Petition, the petitioner has stated that the Old Survey Numbers of the land in question are 49B and 51A and the New Survey Number is 162/4. However, on a perusal of the list of joint pattadars in the Village of Musiri Taluk, Trichirappalli District, it is clear that the New Survey

No.162/4 co-relates with Old Survey No.56. As already stated, the prayer sought for in the Writ Petition is liable to be rejected on the ground of laches also. Further, the petitioner has not challenged the classification of the land as Government Poramboke in the Writ Petition. In these circumstances, the prayer sought for in the Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to file a Civil Suit in accordance with law. No costs.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.

2.The Secretary to Government,
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Home (Police) Department,
Fort St.George, Chennai - 600 009.

3.The Director General of Police,
Santhome High Road,
Mylapore, Chennai - 600 004.

4.The Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

5.The District Collector,
Trichirappalli District,
Trichirappalli.

+1 CC to Mr. K.Sannjay, Advocate Sr.No.38922
+1 CC to the Government Pleader Sr.No.38865

W.P.No.12200 of 2016

SR.II(CO)
cs 19/12/2020