



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.02.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.3421 of 2021

and

W.M.P. (MD) No.2774 of 2021

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M.Sanjeevinathan

... Petitioner

-vs-

1. The District Collector,
Sivagangai District.
2. The District Forest Officer,
Sivagangai District,
Sivagangai.
3. The Forest Settlement Officer,
Sivagangai,
Sivagangai District.
4. The Tahsildar,
Singampunari Taluk,
Singampunari,
Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondents from dispossessing the petitioner from the agricultural lands in S.No.141/4 measuring 4.5 acres in T.Mampatti Village, Singampunari Taluk, Sivagangai District and consequently direct the respondents to issue patta in favour of the petitioner to the land based on the petitioner's representation dated 18.12.2019 within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The case of the petitioner is that the agricultural land in S.No.141/1 measuring to an extent of 4.5 Acres in T.Mampatti Village, Singampunari Taluk, belongs to him and it was ancestral property. The petitioner has been doing agricultural cultivation till date and he is also in possession and enjoyment of the land for more than several decades. According to him, at the



time of updating the register of lands, the property has been wrongly recommended as the forest land.

2. After coming to know of the fact, several representations appear to have been addressed and the petitioner finding no response to the representations filed Civil Suit in O.S.No.39 of 1999 on the file of the District Munsif Court, Thiruppattur, against the Forest Department to declare the proceedings dated 25.03.1999 as null and void and for a consequential grant of permanent injunction.

3. After the conclusion of the trial, the District Munsif Court decreed the suit in favour of the petitioner on 03.01.2001. According to the petitioner, the suit was filed for declaration and such declaration having been granted, the land in question vest with the petitioner being a rightful owner.

4. However, the grievance of the petitioner is that the Forest Department is still laying claim on the property belonging to the petitioner and therefore, a mandamus is being sought in this Writ Petition restraining the respondents from dispossessing and for consequential direction to issue patta in favour of the petitioner. From the averments as contained in the affidavit filed in support of the Writ Petition, this Court is unable to understand what is the right of the petitioner over the subject land except a reference to Civil Court decree and how and what basis he can claim himself to be the owner of the land. Nothing has been disclosed in the affidavit and moreover, what is a cause of action for the petitioner to approach this Court at this point of time is not at all explained.

5. The averments appear to be bald and sketchy and even otherwise, in case the petitioner is the rightful owner of the property in terms of the some civil court decree mentioned by him in the affidavit, it is always open to him to work out his remedies in pursuance of the decree passed by the Civil Court. At the same time, it is not open to the petitioner to approach this Court and seek issue of mandamus as if this Court is an execution Court of subordinate Civil Court. In fact, this Court is not able to make out any legal grievance from the affidavit for this Court to issue any direction and it is also not to this Court to grant any relief to the petitioner on the basis of self-serving averments of the petitioner. Therefore, the remedy open to the petitioner is elsewhere and not before the Writ Court. In that view of the matter, this Court is of the considered view that this Writ Petition is not maintainable.



6.In the above circumstances, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

1.The District Collector,
Sivagangai District.

2.The District Forest Officer,
Sivagangai District,
Sivagangai.

3.The Forest Settlement Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Singampunari Taluk,
Singampunari,
sivagangai district

+2 CC to M/s.A.V.ARUN, Advocate (SR-6883[F] dated 24/02/2021)

+1 CC to M/s.SPL GP (SR-6967[F] dated 24/02/2021)

W.P. (MD) No.3421 of 2021

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