



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.20587 of 2021

WEB COPY

R.Subramaniam

... Petitioner

Vs .

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Tahsildar,
Aravakurichi Taluk,
Karur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to provide the information as directed by the State Information Commission in S.A.No.194/E/2020 on 06.11.2020, forthwith by this Court.

For Petitioner

: Mr.P.Pandiarajan

For Respondents

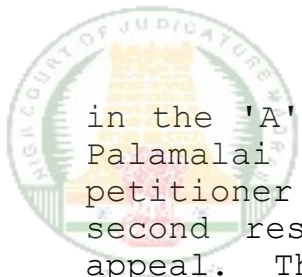
: Mr.D.Ghandiraj

Special Government Pleader

ORDER

The Writ Petition has been filed by R.Subramaniam, son of Ramasamy Gounder, residing at Old No.10/6, New No.43/1, 4th Cross Street, Velusamipuram, L.N.S.(P), Karur District, seeking a Mandamus to provide information as directed by the State Information Commission in S.A.No.194/E/2020 on 06.11.2020.

2.In the affidavit filed by the writ petitioner, he stated that the property in S.F.No.144, measuring an extent of 4.03 acres in Thumbivadi Village, Aravakuruchi Taluk in Karur District, belonged to the petitioner's grandfather, Sadiyappa Gounder. It is stated in the affidavit that the settlement Tahsildar under the Minor Inam Abolition Act, granted patta in favour of his family members. The third respondent/the Tahsildar, Aravakurichi Taluk, had rejected the claim of his mother for change of patta, stating that during the UDR



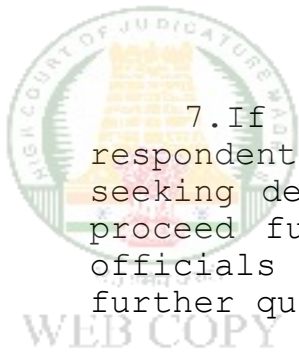
in the 'A' Register the land was recorded in the name of Arulmighu Palamalai Subramaniya Swamy Temple, P.Sundaram. Then, the petitioner had filed an appeal before the second respondent and the second respondent, by order, dated 12.07.2019, had rejected the appeal. The petitioner claims that the second respondent had passed the order without verifying the revenue records. Thereafter, the petitioner had filed a petition before the third respondent, under the Right to Information Act, seeking a copy of the extract of 'A' Register with respect to S.F.No.144, measuring 4.03 acres. Since, the third respondent did not provide the information, the petitioner had filed an appeal under Section 19 (1) of the Right to Information Act, before the District Collector, Karur. The District Collector had been impleaded as the first respondent.

3.The petitioner thereafter, had filed a Second Appeal under Section 19(3) of the Right to Information Act, before the State Information Commission in S.A.No.1904/E/2020 and by order, dated 06.11.2020, the State Information Commission had directed the third respondent to provide the information.

4.Seeking a direction to provide such information the petitioner had filed the present Writ Petition. It is brought to the knowledge of this Court by Mr.Ghandiraj, learned Special Government Pleader that the petitioner herein, had earlier filed W.P (MD)No.16080 of 2018, as against the District Revenue Officer, Karur and the Tahsildar, Aravakuruchi Taluk, Karur, directing the first respondent to dispose of the appeal filed by the petitioner, dated 17.04.2018.

5.The learned Counsel of the petitioner raised a doubt whether both the writ petitioners were the same person or not. I examined the records and the petitioner herein is called as R.Subramaniam and the petitioner in the earlier writ Petition is called as R.Subramaniam @ Gobinath. The petitioner herein, is the son of Ramasamy Gounder and the petitioner therein, is the son of Late Ramasamy Gounder. However, the addresses are exactly same, which has been stated above.

6.Therefore, there is no doubt about the identity of the person who filed the earlier Writ Petition and the present Writ Petition. Even in the present Writ Petition there is no reference to the earlier Writ Petition. Orders have been passed by the Revenue Officials that the land for which right is claimed by the petitioner, stands in the name of Arulmighu Palamalai Subramaniya Swamy Temple, P.Sundaram. The land is also the same, namely, S.F.No.144, measuring an extent 4.30 acres in Thumbivadi Village, Aravakurichi Taluk in Karur District.



7.If the petitioner is aggrieved by the order of the first respondent, instead of making a roving enquiry with respect to seeking details from the third respondent/the Tahsildar, he should proceed further in manner known to law. Going back to the same officials would not help the petitioner herein. He should proceed further questioning the orders passed.

8.Therefore, I am not inclined to grant any order in favour of the petitioner. It is an order which has been passed by the State Information Commission and it is for that particular Commission to examine whether the order which had been granted, has been implemented or not.

9.This Court is strictly a third party to those proceedings. Moreover the land over which the petitioner claims a right has been very clearly held by the revenue authorities to be vested with Arulmighu Palamalai Subramaniya Swamy Temple. It is for the petitioner to question the same in manner known to law.

10.This Writ Petition is misconceived. This Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Karur District, Karur.
- 2.The District Revenue Officer,
Karur District, Karur.
- 3.The Tahsildar,
Aravakurichi Taluk, Karur District.

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