



W.P.No.34051 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.34051 of 2017
and W.M.P.No.37776 of 2017

- 1.Muruganandam
- 2.Manickam
- 3.Padaiyappa @ G.Arjunan
- 4.Rajendran
- 5.Thambidurai
- 6.Mani7.Rathinam
- 8.T.Baggiam
- 9.A.Srinivasan
- 10.Kasambal
- 11.R.Matheswaran
- 12.M.Sumathi
- 13.Usharani
- 14.Kandasamy
- 15.K.Saravanan
- 16.Palaniyammal
- 17.R.Balaji
- 18.Lakshmi
- 19.P.Prabakaran



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20.Nagammal @ Soliyammal

21.Geetha

22.Alamelu

23.S.Baggiam

24.Jegadambal

25.Maheswari

26.Chitra

27.N.Kavitha

28.M.Sambooranam

29.V.Perumayee

30.N.R.Selvam

31.Umavadi

32.V.Vijaya

33.K.Mani

34.Malliga

35.Periyasamy

36.Sameembanu

37.Thayammal

38.Chinnammal

39.O.P.Rajan

40.Vijayakumar

41.Saravanan

42.Vanitha

43.Sundaram

44.Praveenkumar

... Petitioners

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Vs.

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- 1.The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Secretary to Government,
(Revenue Department),
Secretariat,
Chennai – 9.
- 2.The Commissioner of Revenue Administration,
Chennai.
- 3.The Principal Commissioner and
The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai – 5.
- 4.The District Collector,
Namakkal District,
Namakkal.
- 5.The District Collector,
Salem District,
Salem.
- 6.The Tahsildar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.
- 7.Then Inthia Veerasaiva Jangama Mahajana Sangam,
Rep. by its Secretary Mr.K.Velumani,
Namigirpettai,
Residing at No.23 Udyappa Colony
Opp Government Arts College,
Kamarasampatty,



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Salem – 636 007.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents herein to not to interfere with the peaceful possession and enjoyment of the petitioners of their lands and residence at S.No.57/1, Namagiripettai Town Panchayat, Namakkal District on their own or through any Authorities and to direct the First, Second and Third Respondents to consider the claim of the petitioners to convert the classification of lands as Natham Poramboke lands and to issue Pattas to the petitioners for their residence for which they already possess ration cards and are paying property tax, water tax and electricity charges and to allow them to have all consequential reliefs.

For Petitioners : Mr.M.Ravi

For Respondents 1 to 6 : Mr.U.Bharanidharan,
Additional Government Pleader

For Respondent 7 : Mr.J.Srinivasa Mohan

ORDER

This writ petition has been filed for seeking issuance of Writ of Mandamus directing the respondents herein to not to interfere with the peaceful possession and enjoyment of the petitioners of their lands and



residence at S.No.57/1, Namagiripettai Town Panchayat, Namakkal District on their own or through any Authorities and to direct the First, Second and Third Respondents to consider the claim of the petitioners to convert the classification of lands as Natham Poramboke lands and to issue Pattas to the petitioners for their residence for which they already possess ration cards and are paying property tax, water tax and electricity charges and to allow them to have all consequential reliefs.

2. The case of the petitioners is that the petitioners and their ancestors are in continuous occupation and possession of nearly one cent land each in the Government Poramboke Lands situated at S.No.57/1, Namagiripettai Town Panchayat, Rasipuram Taluk, Namakkal District for several decades. The land occupied and possessed by them in the aforesaid S.No.57/1 is clearly classified as Government Poramboke in Village 'A' Register and other Village Revenue Records. This being the case, the seventh respondent claimed that he is the owner of the subject property and preferred a suit in O.S.No.209 of 1979 on the file of District Munsiff Court, Rasipuram, seeking declaration for nearly 70 cents of lands at S.No.57/1 without being impleading any of the petitioners herein and the said suit was also decreed in



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favour of the seventh respondent on 17.12.1979.

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2.1. Thereafter, the private defendants filed A.S.No.124 of 1980 against the decree dated 17.12.1979 and it was dismissed; S.A.No.1615 of 1982 filed by the private defendants was also dismissed on 05.03.1996 and the said judgment was confirmed in Appeal Suit in Second appeal in the year 1996. Subsequently, after the lapse of more than 12 years from the date of decree, R.E.P.No.8 of 2009 was filed in District Munsif Court, Rasipuram and the same was ordered. However, certain residents of the aforesaid lands have raised objection to the execution and filed R.E.A.No.31 of 2016, which was also dismissed on 23.10.2017. Hence, the petitioners filed this writ petition with the aforesaid prayer.

3. Learned counsel for the petitioners reported no instruction, since he has given change of vakalat, however, the case has been pending for more than five years. Therefore, this Court decided to dispose of the matter on merits and in accordance with law.

4. Learned counsel appearing for the seventh respondent would submit



that already a suit for declaration and recovery of possession was filed before the Trial Court and the same was decreed in favour of the seventh respondent on 17.12.1979, which was also confirmed by the Lower Appellate court as well as this Court. Hence, he prayed for dismissal of this writ petition.

5. Heard the learned counsel for the seventh respondent and perused the materials available on record.

6. The petitioners claiming that they are in the continuous possession of subject property for several years, whereas the seventh respondent claiming that he is the title holder of the property, which was also confirmed by the Lower Appellate Court as well as this Court. Admittedly, the petitioners have filed this writ petition for issuance of patta, however, as rightly submitted by the learned Additional Government Pleader appearing for the respondents, the issue was already decided by the Civil Court in O.S.No.209 of 1979 and the same was confirmed by the Lower Appellate Court in A.S.No.124 of 1980 and this Court in S.A.No.1615 of 1982. Hence, no affirmative direction cannot be issued in favour of the petitioner.

7. Accordingly, this writ petition stands dismissed. No costs.



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Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

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- 2.The Commissioner of Revenue Administration,
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Rasipuram,
Namakkal District.

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7. Then Inthia Veerasaiva Jangama Mahajana Sangam,
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M.DHANDAPANI,J.

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