



W.P.(MD).No.7754 of 2011

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.7754 of 2011
and
M.P(MD)Nos.2,3 and 5 of 2011

K.Gunasekaran

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George,
Chennai.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.V.Sivakumar,
Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.



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5.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
6.M.Boominathan

... Respondents
... Proposed Respondent

(R6 is impleaded vide Court order, dated
13.06.2022 in M.P(MD)No.4 of 2011 in
W.P(MD)No.7754 of 2011)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection to his proceedings passed vide in Na.Ka.T1-9893-2011 dated 02.06.2011 and quash the same as illegal and arbitrary and consequently direct the first and second respondents to conduct fair and proper investigation in relation to the classification of the property situated at T.S.No.2/3A and 2/3C, Kattuparamakudi Group, Ward F, Block 1, Paramakudi Town, Ramnad District and thereby take appropriate departmental and criminal action against the erred officials including the third respondent in reclassification of the property and issuance of patta for the above said property within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalai Mutharasu
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R1,R2,R4 and R5
Mr.R.Anandharaj
for R3
Mr.M.Karthikeyan Venkitachalapathy
for R6



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ORDER

The present writ petition has been filed challenging an order passed by the third respondent herein, under which he has sent a communication to the fourth respondent, requesting him to take action, in case any law and order problem is created by the writ petitioner with regard to the property of the sixth respondent.

2. According to the petitioner, the third respondent has no jurisdiction, whatsoever to address such a letter to the fourth respondent with regard to a civil dispute.

3. Per contra, the learned counsel appearing for the private respondent contended that the writ petitioner had filed O.S.No.33 of 2003, District Munsif Court, Paramakudi for the relief of permanent injunction, in which the sixth respondent herein was arrayed as a first defendant. The said suit was dismissed on 22.08.2005. Though first appeal is said to have been filed by the writ petitioner, so far the private



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respondent has not received any notice in the said first appeal for the past 10 years. Hence, he contends that the judgment and decree, dated 22.08.2005 as against the writ petitioner has become final. The writ petitioner in paragraph 5 of the affidavit has also referred to the judgment and decree in the suit and he has contended that he has filed a first appeal with a delay. However, though 11 years have passed, there is no indication, whatsoever to the result of the said first appeal.

4. I have carefully considered the submission made on either side.

5. A perusal of the impugned order indicates that it is an inter-departmental communication issued by the third respondent to the fourth respondent requesting him to initiate action, in case of any law and order problem with regard to disputed town survey numbers, for which patta stands in the name of the sixth respondent. The petitioner having lost the suit before a competent civil Court, would not be entitled to create any disturbance or law and order problem with regard to the disputed survey numbers. If at all the petitioner has got any legal right over the disputed



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survey numbers, he has to establish them before a competent civil Court.

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6. In view of the above said discussion, I do not find any illegality or infirmity in the communication of the third respondent to the fourth respondent. Hence, this Writ Petition stands dismissed. However, the petitioner is at liberty to continue his proceedings before the civil Court not being influenced by the order of this Court in the writ petition. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.06.2022

Index : Yes / No

Internet : Yes / No

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To

1.The Secretary,
The State of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

5/6



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4.The Inspector of Police,
Paramakudi Town Police Station, Ramanathapuram District.

R.VIJAYAKUMAR ,J.

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Order made in
W.P.(MD).No.7754 of 2011

22.06.2022