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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3568 of 2020
and
W.M.P.(MD)No.3013 of 2020

M.Ganesan ... Petitioner

Vs.

1.V.Nagarajan

2.Parkath Ali

3.Arab John

4.Sridar

5.Sivanandan

6.Subramaniyan

7.Lakshmi

8.The Special Deputy Collector (Revenue)
O/o. The Special Revenue Deputy Collector Court,
Thiruchirappalli Town.

9.The District Revenue Officer,
Karur District.

10.The Revenue Divisional Officer,

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Kulithalai Revenue Divisional Office,
Karur District.

11.The Tahsildar (Tenancy)
Krishnarayarpuram Taluk Office,
Kulithalai, Karur District. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating tot he impugned order in proceeding No.53/94, Kulithalai District dated 03.06.2003 passed by the 8th respondent and quash the same setting aside the impugned order passed by the 8th respondent in Petition No.53/94, Kulithalai, dated 03.06.2003 of the respondent and directing the respondents 8, 9, 10 and 11 to take suitable steps to register the name of the petitioner as tenant to the land in S.F.225 an extent of the eastern 5 acre and SF 354/2A Hecs. 0.4.77 square meter and S.F.354/2B extent Hec.1.37.73 of Thirukampuliyur Village, Krishnarayapuram Taluk, Karur District with well and a thatched house in D.No.7/117, situated in the tenant land.

For Petitioner : Mr.S.Ponnaiah
For R1, R3 & R4 : no appearance
For R5 : Mr.S.Balaji
For R6 : Mr.N.Sudhagar Nagaraj
For R8 to R11 : Mr.N.Ramesh Arumugam
Government Advocate

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O R D E R

Heard the learned counsel on either side.

2. The writ petitioner had been in possession of the petition mentioned property. His grievance is that his name was never entered as a tenant in the record of tenancy. While so, the landlords filed petition No.53 of 1994 before the Special Deputy Collector (Revenue), Tiruchirappalli Town for evicting the petitioner herein from the petition mentioned lands. The said petition was ordered on 03.06.2003 and the petitioner herein was directed to be evicted. The said order is put to challenge in this writ petition. It is seen that the impugned order was passed as early as on 03.06.2003. But the writ petition challenging the same came to be filed only in February 2020. There is a lapse of almost 17 years in mounting the challenge to the impugned order.

3. The learned counsel appearing for the petitioner submitted that after passing of the impugned order, the petitioner had been moving the authorities. In the typed set of papers, correspondence upto January 2019

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had been enclosed. According to the petitioner's counsel, since the petitioner could not get justice at the hands of the authorities, left with no other option, he has moved this Court. He also pointed out that the petitioner filed O.S.No.255 of 2008 on the file of the District Munsif Court, Kulithalai seeking permanent injunction against unlawful dispossession and that the suit was decreed in his favour on 30.06.2011. According to the petitioner's counsel, since the petitioner is a poor tenant, this Court ought not to non-suit him on the technical ground of laches.

4. Per contra, the learned counsel appearing for the private respondents submitted that no case for interference has been made out.

5. I carefully considered the rival contentions and went through the materials on record. As already noted, the writ petition suffers from laches. If in the affidavit filed in support of the writ petition, there is any credible explanation regarding the delay in moving this Court, then, certainly, this Court will not invoke the doctrine of laches. In the affidavit filed in support of the writ petition, I do not find even a single line explaining the long delay in filing the writ petition. That apart, as

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rightly pointed out by the learned counsel appearing for the private respondents, the order impugned in the writ petition has also not been shown to be incorrect. There is not even a single ground set out to show as to how the impugned order is bad in law or on facts.

6. Looked at from any angle, I do not find any ground to interfere. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Special Deputy Collector (Revenue)
O/o. The Special Revenue Deputy Collector Court,
Thiruchirappalli Town.

2.The District Revenue Officer,
Karur District.

3.The Revenue Divisional Officer,
Kulithalai Revenue Divisional Office,
Karur District.

G.R.SWAMINATHAN,J.

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4.The Tahsildar (Tenancy)
Krishnarayarpuram Taluk Office,
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