

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 26.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.15000 of 2022**

M.Palanisamy

... Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. By its Secretary,
Department of Revenue Administration,
Fort St. George,
Chennai.
2. The Director of Land Reforms /
Member Secretary Bhoodan Lands,
O/o.Director of Land Reforms,
Ezhilagam, Chepauk,
Chennai – 5.
3. The District Collector,
O/o. District Collectorate,
Dindigul District.
4. The District Revenue Officer,
District Revenue Office,
O/o.District Collectorate,
Dindigul District.
5. The Revenue Divisional Officer,
Revenue Divisional Office,
Palani,
Dindigul District.
6. The Tahsildar,
Palani Taluk,
Dindigul District.

7. M.Rajkumar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 4 to conduct an enquiry in respect of lands comprised in S.No.154/2 and 154/1C to an extent of 5 acres of land situated at Andipatti Village, Palani Taluk, Dindigul District, based on the original gift documents of Boothan Movement and consequently direct the respondents 2 to 4 to issue the patta to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R-1 to R-6 : Mr.K.Balasubramani,
Special Government Pleader.

For R-7 : Mr.B.Rajesh Saravanan

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ORDER

Heard the learned counsel on either side.

2. The writ petitioner seeks enquiry in respect of the petition mentioned lands and issuance of patta in his favour.

3. When the matter was taken up for hearing, the learned counsel appearing for the seventh respondent drew my attention to the fact that the petitioner had filed O.S. No.167 of 2010 on the file of the District Munsif, Palani, seeking the relief of declaration and permanent injunction. The seventh respondent is figuring as the fourth defendant in the said suit and the said suit was dismissed on 18.01.2018. Aggrieved by the same, the petitioner filed A.S.No.19 of 2018 before the Sub Court, Palani. The first appeal was also dismissed on 05.09.2019. Questioning the same, the second appeal was filed and the same was dismissed.

4. I compared the details set out in the petition and the schedule annexed to the decree. Both are one and the same. When the jurisdictional civil Court has pronounced its decision, it is not open to the revenue authority to take a contra view. In this case, the revenue authorities including the District Collector were also parties to the suit. This worsens the situation against the petitioner.

5. Looked at from any angle, no relief can be granted to the petitioner. Having lost before the jurisdictional civil Court, the petitioner cannot move the revenue authority. This writ petition stands dismissed. No costs.

26.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

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G.R.SWAMINATHAN,J.

PMU

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