



W.P.(MD)No.17961 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

**W.P.(MD)No.17961 of 2021 and
WMP(MD) Nos.14833 and 14834 of 2021**

R.Muthukrishnan

: Petitioner

Vs.

- 1.The Secretary to Government
Revenue Department
St. George Fort, Chennai.
- 2.The Special Commissioner,
Land Administrative Department
Chepauk, Chennai.
- 3.The District Collector
District Collectorate Premises
Sivagangai District
- 4.The District Revenue Officer,
Office of the District Revenue Office,
Sivagangai District
- 5.The Tahsildar,
Thiruppathur Taluk
Sivagangai District



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6.The Executive Officer,
Thiruppathur Selection Grade Town Panchayat,
Thiruppathur Taluk, Sivagangai District

7.M/s.Thiruppathur Varthagar Sangam
Represented by its the Secretary
Big Bazaar Street,
Thiruppathur Taluk
Sivagangai District

8.M/s.Thiruppathur Varthagar Sangam
Represented by its
The President, North Car Street,
Thiruppathur Taluk
Sivagangai District

9.S.R.C.Lakshmanan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st to 6th respondents to consider the representation of the petitioner dated 14.09.2021 and consequently direct the 1st to 3rd respondents initiate legal action against the 7th and 8th respondents.

For Petitioner : Mr.V.A.Dhana Aravaindha Balaji
for M/s.Dhana Law Associates

For Respondents : Mr.A.K.Manikkam for R1 to R6
Special Government Pleader
Mr.M.Ajmal Khan for R7 to R9
Senior Counsel for
M/s.Ajmal Associates



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ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

It is the case of the petitioner that the land measuring 6 acres and 52 cents in S.No.327 Thiruppathur Village, belonged to one Pallivasal as per the settlement register of the year 1965 and the same has been unlawfully assigned to the 7th respondent in the year 1975, to cancel which, the present public interest litigation has been filed.

2.Today, Mr.A.Raja, Tahsildar(G.R.) Thiruppathur and Mr.D.Venkatesh, Tahsildar (Regular), Thiruppathur are present.

3.On instructions, the learned Special Government Pleader appearing for the respondents 1 to 6 submitted that the mutation of the record was done in the year 1975 and in the year 1983, when the UDR scheme was brought into force, S.No.327 was subdivided into 17 subdivisions and in the revenue records, S.No.327/4 measuring one acre and 15 cents stands in the name of the 7th respondent.



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4.Mr.M.Ajmal Khan, learned Senior Counsel, appearing for the respondents 7 to 9 submitted that since 1975, the respondent Nos.7 and 8 are in possession of the said land and the 7th respondent have built a building in which there are tenants. Against some tenants, who were not paying the rents, eviction proceedings was initiated by the 7th respondent and the same are pending. The learned Senior Counsel further submitted that there was a title suit in O.S.No.161/1959 before the District Munsif, Sivagangai, between the Pallivasal (Mosque) and the 7th respondent, in which, the 7th respondent succeeded by judgment and decree dated 31.08.1960 and only thereafter, the name of the 7th respondent was included in the revenue records in the year 1975.

5. In our considered opinion, via a public interest litigation, an entry that has been made in the revenue records as early as 1975 in favour of the 7th respondent cannot be cancelled on the mere allegations of the petitioner that they have encroached the land. In our considered opinion, this public interest litigation is clearly an abuse of process of law and therefore, deserves to be dismissed with exemplary cost of Rs.10,000/- (Rupees ten thousand only) payable to the Gandhi Museum,



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within a period of four weeks from today and file a memo/compliance in the Registry. Consequently connected Miscellaneous Petitions are closed.

[P.N.P., J.] & [R.H., J.]
03.08.2022

Internet : Yes

RR

To

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AND
R.HEMALATHA, J

RR

7.The Curator
Gandhi Museum
Madurai 625 020

Order made in
W.P.(MD)No.17961 of 2022

03.08.2022