



WEB COPY



W.P.No.6650 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6650 of 2009

and

M.P.Nos.2 of 2009, 1 and 2 of 2013

B.Mallapuram Mulsim Sunnanth Jamath,
Rep. by its Muthavalli
Masjid Street, Bommudi Post,
B.Mallapuram, Papireddipatti Taluk,
Dharmapuri District.

...Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department, Fort St.George,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Dharmapuri District.
- 4.The District Revenue Officer,
Dharmapuri District.



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5.The Revenue Divisional Officer,
Dharmapuri District.

6.The Tahsildar,
Papireddipatti Taluk,
Dharmapuri District.

7.The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
[Custom House Backside],
Chennai – 600 001.

8.Pattammal

9.G.Madhesh @ Madheswaran

10.Raja

11.Poongodi

12.Santhi
[R8 to R12 impleaded as per order dated
02.09.2009 made in M.P.No.3 of 2009]

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the petitioner is lawfully entitled to possess and enjoy the lands in Old Survey No.42/1, New Survey No.42/6 in B.Mallapuram Village, Pappireddipatti Taluk, Dharmapuri District of an extent of 18 cents as per G.O.Ms.No.1779 Revenue Department dated 06.08.1975.



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For Petitioner : No appearance
For R1 to R6 : Mr.T.Arunkumar,
Additional Government Pleader.
For R7 : Mr.M.Fakir Mohideen
For R8 to R12 : Mr.V.Karthikeyan
for Mr.T.Panchatsaram

ORDER

The writ on hand has been instituted to declare that the petitioner is lawfully entitled to possess and enjoy the lands in Old Survey No.42/1, New Survey No.42/6 in B.Mallapuram Village, Pappireddipatti Taluk, Dharmapuri District measuring an extent of 18 cents as per G.O.Ms.No.1779 Revenue Department dated 06.08.1975.

2.The relief as such sought for in the writ petition is absolutely misconceived since the subject land is classified as 'Grama Natham' and the Government being custodian of Grama Natham lands is empowered to regulate the same in the interest of public in view of the conditions stipulated in R.S.O.21.



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3.The learned counsel appearing on behalf of the respondents 8 to 12 brought to the notice of this Court that the very same petitioner has claimed title over the subject property by instituting a Wakf Suit in W.O.S.No.20 of 2004 and the said suit was dismissed by the Wakf Tribunal on 29.12.2008. The said order became final and not challenged by the petitioner. By suppressing the said fact, the present writ petition has been filed for Declaration to declare that the petitioner is lawfully entitled to possess and enjoy the lands. When the Wakf Tribunal dismissed the claim of the petitioner before filing of the present writ petition, the present writ petition is not entertainable.

4.The learned Additional Government Pleader brought to the notice of this Court that the Commissioner of Land Revenue, Urban Land Ceiling and Relief Measures and for Natural Calamities, Chennai passed an order of eviction on 29.11.1980 evicting the encroachers of the Government lands by following the procedures as contemplated in the Tamil Nadu Land Encroachment Act, 1905. Order was already passed to evict the encroachers and on account of the pendency of the writ petition, the order passed by the



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Commissioner of Land Administration has not been implemented. The order passed by the Commissioner of Land Administration is clear that few encroachers have encroached upon the Government land. The revision petition filed by the encroachers were also dismissed. Thus, the order passed by the Tahsildar/competent authority under the Land Encroachment Act is to be enforced without causing any undue delay.

5.That apart, the suit filed by the petitioner under the Wakf Act was also dismissed. That being the factum, the respondents 1 to 6 are directed to evict the encroachers from the Government property, resume the properties and utilize the same for public purposes in the manner known to law.

6.With these directions, the writ petition stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.09.2023

cse
Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No



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To

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S.M.SUBRAMANIAM, J.

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