



WEB COPY

W.P.No.34961 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34961 of 2022

K.Boopathy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by Secretary to Government,
Social Welfare Department,
For St.George,
Chennai – 600 009.
- 2.The District Collector,
Office of the District Collector,
Coimbatore District.
- 3.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare,
Coimbatore District.
4. Sivagami

... Respondents

(R4 impleaded vide order dated 08.09.2023 in W.M.P.No.20188 of 2023 in W.P.No.34961 of 2022)



W.P.No.34961 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to consider petitioner's representation dated 28.11.2022.

For Petitioner	: Mr.Pradeep Jayaraman
For Respondents	:
(For R1 to R3)	: Mr.T.Arunkumar, Additional Government Pleader.
(For R4)	: Mr.R.N.Amarnath

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to consider the representation submitted by the writ petitioner dated 28.11.2022 and pass appropriate orders.

2. The growing trend of seeking such a general prayer, to consider the representation in writ proceedings, are paving way for certain fraudulent and corrupt activities. The litigants, by merely sending a representation to the Authorities, one way or the other, are seeking the relief to consider the representation. If such directions are issued generally by the High Court, then the same would be causing prejudice to the other parties.



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3. On some occasions, such a general directions are utilised for the purpose of restoring the lapsed or expired cause of actions. Therefore, the directions, in general, issued to consider the representation, would do no service to the cause of justice. Contrarily, the litigants are back again before the High Court by filing another writ petition. Multiplicity of proceedings are causing prejudice to the interest of the parties and thus, this Court is of the considered opinion that the issues raised are to be adjudicated in all circumstances on merits in the interest of justice.

4. When the present writ petition is taken up for hearing, the learned counsel for the petitioner made a submission that the petitioner has chosen to withdraw the writ petition. When the petitioner had chosen to withdraw the writ petition, the learned counsel, appearing on behalf of the impleaded 4th respondent raised an objection by stating that the petitioner is attempting to grab the land belonging to the 4th respondent since the land acquisition proceedings initiated against the subject property was quashed by the Division Bench of this Court.



5. The impleaded 4th respondent is the owner of the subject property.

Based on the representation given by some association consisting of the members in occupation of the subject property, land acquisition proceedings were initiated. The owner of the property/impleaded 4th respondent challenged the acquisition proceedings. The High Court allowed the writ petition by setting aside the land acquisition proceedings. Thereafter, the impleaded 4th respondent filed an application to mutate the Revenue records in her favour, enabling her to get Patta restored. At that point of time, the petitioner, along with some other persons, made an attempt to grab the land belonging to the 4th respondent by submitting representations and filing writ petition without even impleading the owner of the property. Such a practice of filing a writ petition without impleading the necessary parties at no circumstances be encouraged by this Court nor to be tolerated. Suppression of fact is a ground to impose exemplary costs in writ proceedings.

6. In the present writ petition, the petitioner has chosen to withdraw the writ petition. However, the learned counsel for the impleaded 4th respondent objected the same on the ground that the fraudulent activities and an attempt to grab the land is going on in respect of the subject property. Pertinently, the



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representation submitted by the writ petitioner was entertained by the District Collector, Coimbatore and a finding is made that a decision on the representation will be taken after disposal of the present writ petition in W.P.No.34961 of 2022. Such a finding is unnecessary in view of the fact that there is no interim order in the present writ petition admittedly and the District Collector ought to have verified the facts and circumstances and also the earlier order of the High Court quashing the Land Acquisition proceedings.

7. The learned Counsel for the petitioner made a submission that the petitioner is not eligible for free house site Patta from the hands of the Government under the welfare scheme. The petitioner owns properties and a four wheeler and is also earning substantial monthly income. Therefore, the petitioner is ineligible to avail the benefit of free house site Patta under the Government welfare schemes. However, these facts are to be verified by the District Collector, based on the statement made by the impleaded 4th respondent.



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8. The relief sought for in the present writ petition, to consider the representation, cannot be granted by this Court since the subject land which was proportionally acquired was quashed by this Court and therefore, the owner of the property is entitled to resume the property and to secure Patta by effecting necessary changes in the Revenue records.

9. In view of the facts and circumstances, the petitioner has not established even semblance of legal right for the purpose of considering the relief in the manner known to law. The request of the writ petitioner to withdraw the writ petition is also rejected.

10. Consequently, the writ petition stands **dismissed**. No costs.

08.09.2023

Index: Yes
Speaking order
Neutral Citation: Yes
veda/sha



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To

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S.M.SUBRAMANIAM, J.

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