



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.KUMARESH BABU

WMP(MD) No.3962 of 2023
IN
WP(MD)No.3793 of 2015

KALIMUTHU.T ... PETITIONER/PROPOSED RESPONDENT
Vs

1 K.ARASI OLINA ...1ST RESPONDENT/PETITIONER

2 THE SECRETARY TO GOVERNMENT
PWD DEPARTMENT, ST. GEORGE FORT,
CHENNAI.
(R1 IN THE WRIT PETITION IS DELETED VIDE
COURT ORDER DATED 17.10.2022 IN WMP(MD)2974
OF 2017 IN WP(MD)3793 OF 2015)

3 THE DISTRICT COLELCTOR
O/O. DISTRICT COLLECTOR,
RAMANAD.

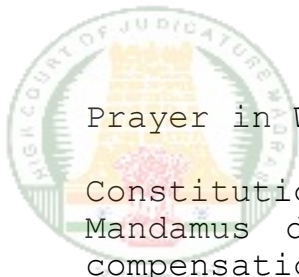
4 THE REVENUE DIVISIONAL OFFICER,
PARAMAKUI, RAMNAD DISTRICT.

5 THE TAHSILDAR
PARAMAKUDI TALUK, RAMNAD DISTRICT.

6 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT,
CHENNAI. ... RESPONDENTS/RESPONDENTS

(R5 IS IMPEADED VIDE COURT ORDER
DATED 27.01.2023 IN WMP(MD).
1438/2023 IN WP(MD).3793/2015)

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to implead the petitioner herein as respondent No. 6 in the above WP(MD).No. 3793 of 2015 pending before this Honble Court.



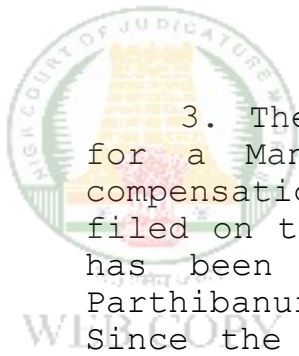
Prayer in WP(MD). 3793/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents 1,2 and 3 herein to fix the compensation for the petitioners land under the forcible possession of the respondents in S.No.164/6A1 by affording opportunity to the petitioner and as per the procedure established by law an pay the same to the petitioner .

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.SENTHIL.D, Advocate for the petitioner and of M/S.PORKODI KARNAN, Advocate on behalf of the Respondent No.1, the court made the following order:-

The petitioner, one T.Kalimuthu, has filed this Writ Miscellaneous Petition seeking to implead himself in the main Writ Petition.

2. Mr.D.Senthil, learned counsel appearing for the petitioner would submit that the petitioner is the Vice President of the School Management Committee, Government Higher Secondary School, Parthibanur, Paramakudi Taluk. He would submit that the land which the first respondent herein (petitioner in the main Writ Petition) claims in S.No.164/6A1, belongs to the Government and had relied upon an SLR to substantiate his claim. He would further submit that the Thasildar ie., the fourth respondent herein had filed a report to the Sub Collector, Paramakudi holding that the first respondent herein is not the owner of the property and therefore, the Revenue Records standing in the name of the first respondent herein should be cancelled and patta should be transferred in the name of the School. He would also submit that as per the information received by the petitioner herein from the office of the Thasildhar, the land in S.No.164/6A1 as per UDR stands in the name of Ramanathapuram Jilla Collector, Local Administration Branch, Madurai. An A-Register extract annexed to the said RTI reply was also relied upon by the learned counsel for the petitioner. He would also rely upon the Judgment and Decree made in OS.No.2 of 2013 on the file of the Sub Court, Paramakudi dated 20.04.2018 to make a statement, that the first respondent herein, who is the seventh respondent in the suit, had claimed that she had purchased the property from one Muhammad Kasim S/o. Muhammad Abubakar Ambalam, whereas, in the present Writ Petition she claims that she had inherited the property from her ancestors. Therefore, the learned counsel would submit that the claim of the first respondent herein before various proceedings are different and that the land would only belong to the Government and the School is functioning in the said place for more than 60 years. Therefore, he would seek to implead himself as a party in the main Writ Petition.



3. The main Writ Petition was filed in the year 2015¹⁹ for a Mandamus to direct the respondents 1 to 3 to fix the compensation for the land in S.No.164/6A1. The Writ Petition was filed on the premise that the land belonging to the writ petitioner has been occupied by the Government Higher Secondary School, Parthibanur, Paramakudi Taluk and has been used as a play ground. Since the School Authorities were not impleaded as parties, this Court by order dated 27.01.2023, impleaded the Secretary to Government, School Education Department, Secretariat, Chennai as fifth respondent in the main Writ Petition. The report relied upon by the petitioner counsel is of the year 2003. Thereafter, an order has been passed by the District Revenue Officer based upon the representation made by K.Arasi Olinia for grant of patta in her favour and the Thasildhar had issued a patta as early as in the year 2014, which remains unchallenged by anyone. The suit scheduled property of the Judgment and Decree made in OS.No.2 of 2013 relates to S.No.164/5 and it has nothing to do with S.No.164/6A1. Therefore, the submission of the learned counsel for the petitioner that the claim of the first respondent herein is different before various proceedings is without merit.

4. Further, the Miscellaneous Petition has been filed in the individual capacity of the petitioner even though he claims to be the Vice President of the School Management Committee, Government Higher Secondary School, Parthibanur, Paramakudi Taluk. The petitioner had not produced any document whatsoever to substantiate that he is the Vice President of the School Management Committee, Government Higher Secondary School, Parthibanur, Paramakudi Taluk except for a bald averment in the affidavit. That apart, he has also not produced any document authorising him to file the present impleading petition. Various reports have been filed by the Revenue Authorities including the third respondent herein, wherein they have admitted the title of the first respondent herein in respect of the land in S.No.164/6A1. They have also, after inspection of the property, given report that the School is in occupation of the land belonging to the first respondent herein. The petitioner herein has also not challenged the proceedings by which the first respondent herein was issued with patta. When such facts are already on record before this Court, I only can hold that the petitioner herein seems to be an interloper and has no *locus standi* to be heard in this Writ Petition. Hence, this Writ Miscellaneous Petition is dismissed. However, no order as to costs.

sd/-

01/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

<https://www.mhc.tn.gov.in/judis>



TO

1 THE SECRETARY TO GOVERNMENT
PWD DEPARTMENT, ST. GEORGE FORT,
CHENNAI.

WEB COPY

2 THE DISTRICT COLELCTOR
O/O. DISTRICT COLLECTOR,
RAMANAD.

3 THE REVENUE DIVISIONAL OFFICER,
PARAMAKUI, RAMNAD DISTRICT.

4 THE TAHSILDAR
PARAMAKUDI TALUK, RAMNAD DISTRICT.

5 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT,
CHENNAI.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-3086[I] dated
01/03/2023)

+1 CC to M/s.D.SENTHIL, Advocate (SR-3245[I] dated 02/03/2023)

ORDER
IN
WMP(MD) No.3962 of 2023
IN
WP(MD)No.3793 of 2015
Date :01/03/2023

RK/MMS/SAR-2 (08/03/2023) 4P/8C