



S.A.(MD).No.463 of 2017

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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.12.2023**

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.463 of 2017

and

C.M.P.(MD)No.9692 of 2017

V.Gandhi

... Appellant

/Vs./

1.The State of Tamil Nadu,
represented by District Collector,
Office of District Collector,
Collectorate, Maruthupandiar Nagar,
Sivagangai Town, Sivagangai Taluk,
Sivagangai District.

2.Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.

...Respondents

***(R2 is suo motu impleaded by this Court
vide this order, dated 19.12.2023)***

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree, dated 22.03.2017, made in A.S.No.13 of 2016 on the file of District Court, Sivagangai, reversing the



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Judgment and Decree, dated 02.07.2010, made in O.S.No.2 of 2009 on the file of Sub Court, Devakottai.

For Appellant : Mr.S.Srinivasa Raghavan
For R1 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.Baskaran
Additional Government Pleader

JUDGMENT

The plaintiff is the appellant herein. The plaintiff had filed the suit for declaration and injunction restraining the respondent from interfering in the peaceful possession of the property. The suit was allowed in favour of the plaintiff. Aggrieved over the defendant had filed appeal and the First Appellate Court had reversed the findings and allowed the appeal and the suit was dismissed. Aggrieved over the same the plaintiff had filed this second appeal. The First Appellate Court had held that the suit property is government poramboku land and hence the plaintiff cannot seek declaration of title in respect of the said land. The plaintiff claims right over the suit property through an unregistered document.



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2. After hearing the arguments of both the parties, this Court is of the considered opinion that since the property is classified as poramboke, the plaintiff cannot claim right over the property. Moreover the unregistered document cannot be relied on. However, the plaintiff is entitled to be considered for any patta after reclassifying the property because of long possession.

3. Therefore, this Court without expressing any opinion on merits is directing the plaintiff to submit an application to the Commissioner of Land Administration and the authorities shall consider the same as per law. Hence, this Court is *suo motu* impleading the Commissioner of Land Administration, Land Administration Department, as 2nd respondent in the second appeal. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this judgment.

4. The Judgment and Decree of the Appellate Court is set aside. The respondents shall not disturb the peaceful possession of the plaintiff



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till the application of the plaintiff is considered.

5. Hence, the second appeal is partly allowed. No costs.

Consequently, connected miscellaneous petition is closed.

19.12.2023

Index : Yes / No

NCC : Yes / No

Tmg



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TO:

1. District Court, Sivagangai.
2. Sub Court, Devakottai.
3. District Collector,
State of Tamil Nadu,
Office of District Collector,
Collectorate, Maruthupandiar Nagar,
Sivagangai Town, Sivagangai Taluk,
Sivagangai District.
4. Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.
5. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Tmg

Judgment made in
S.A.(MD)No.463 of 2017

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