



W.P(MD)No.11036 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.11036 of 2023

and

W.M.P(MD)No.9668 of 2023

Raman

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Sivagangai,
Sivagangai District.

3.The Sub Registrar,
Manamadurai,
Sivagangai District.

4.The Thayapuram Hospital Superintendent,
Thayapuram,
Manamadurai Taluk,
Sivagangai District.

5.Jeyakumar Daniel

6.Irudhaya Poorna

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to cancel the fraudulent registration sale deed document No. 1991/2003 dated 25.09.2023 registered at the third respondent Sub-Registrar office by the respondents 4 to 6.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.M.Prakash
Additional Government Pleader
for R.1 to R.3

Mr.G.Prabhu Rajadurai
Senior Counsel
for Mr.S.M.A.Jinnah for R.4 to R.6

ORDER

Even when the matter came up for admission, learned counsel for the petitioner sought permission to withdraw the writ petition. However this request has been very strenuously opposed by Mr.Prabhu Rajadurai, learned counsel appearing on behalf of Mr.S.M.A.Jinnah learned counsel appearing on behalf of respondents 4,5 and 6.

2. It had been stated that the land in question namely the lands at S.No. 139 measuring 29.87 acres, in S.No.140/1, measuring 3268 acres, in S.No.135 measuring 9.16 acres in S.No.137 measuring 9.65 acres, in S.No.138, measuring 6.76 acres and in S.No.140/2 measuring 6.92 acres at Kalkurichi



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village, Seikalathur Revenue Village, Manamadurai Taluk, Sivagangai District, have been classified as Government Punja land. The issue is no longer *res integra* and a Division Bench had examined the entire records in a Public Interest Litigation, filed questioning the right of the 4,5 and 6th respondents to put that particular land for usage as Leprosy hospital with further plans to expand the hospital to cover the entire unused lands also. The Division Bench had relied on the order of the Commissioner of Land Administration and had passed an elaborate order in W.P.(MD)No.14749 of 2021, dated 26.08.2022, (Natarajan and 5 others Vs. Secretary to Government, Revenue Department, Government of Tamil Nadu, Chennai, and others) and in paragraph -7 held as follows:

7. Subsequently, on the application made by some villagers of Kallkurichi Village, the District Revenue Officer, by his proceedings dated 01.10.2012, cancelled the patta in respect of Survey Nos.139 and 140/1 that was issued to the 9th respondent. Aggrieved by that, the 9th respondent filed a revision petition before the Principal Secretary and Commissioner of Land Administration, Chennai, in which, by order dated 03.10.2013, the earlier order, dated 01.10.2012, passed by the District Revenue Officer, Sivagangai, was set aside. It may be pertinent to extract paragraph Nos.12 and 13 of the order, dated 03.10.2013 passed by the Principal Secretary and Commissioner of Land Administration, Chennai, which reads as under:



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"12. As regards the Suit lands in S.No 139 and 140/1, the original file of Director of Survey and Settlement was traced out based on the entries in the SLR copy received from the Collectorate. It is verified from the file that the Director of Survey and Settlement, in RP.No 116/1979, issued an order dated 6.8.1979, allowing patta under section 18(4) of the Act XXVI of 1948 in favor of the Superintendent, Dayapuram Hospital for S.No 140/1. As regards S.No 139, the original handwritten SLR copy found in the file of Director of Survey and Settlement shows that the land was already recorded as Ryoti Punjai fir.u) and registered in the name of Dayapuram Hospital Superintendent which has been mistakenly printed as Government Dry (சு.பு), in the Settlement 'A' register, which however shows the ownership As above' (அதே) in favour of the Dayapuram Hospital. The District Revenue Officer has not called for or verified the file of the Director of Survey and Settlement after perusing the entries in in the original SLR. He has therefore concluded that Patta was wrongly granted in the name of Dayapuram Hospital and misconstrued the issue of patta to the Superintendent, Dayapuram Hospital for S Nos 139 and 140/1 as an Updating Registry Scheme error. It is also noted that the District Revenue Officer has passed the orders only in respect of S.No's 139 and 140/1, though the original claim of the respondents in



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their petition before the District Revenue Officer (to which they have now enlarged their claim in their present arguments) is in respect of S.Nos 135,137 and 138 only. The ownership of these lands by the Superintendent, Dayapuram Hospital is clearly established by the Settlement Records and not disputed in the order of the District Revenue Officer. Hence the claim of the respondents for these lands deserves no consideration.

13. In view of the discussions supra, the order passed by the District Revenue Officer, Sivagangai in Proceedings 84/24486/2012, dated 1.10.2012 is hereby set aside. Accordingly the Revision Petition is allowed."

8. Challenging this order, five villagers filed W.P.(MD) No. 2047 of 2018 and the same was dismissed as withdrawn on 22.01.2021. In spite of the overwhelming materials to show that the said lands were given to the 9th respondent under the Ryotwari Patta, the present Public Interest Litigation has been filed, which is clearly an abuse of law and it requires to be dismissed with exemplary costs.

9. In the result, this writ petition is dismissed with costs of Rs. 25,000/- (Rupees Twenty Five Thousand only) payable by the petitioner, to the Gandhi Memorial Museum, bearing Account No. 6479518195, IFSC Code: IDIB000T03, Indian Bank, Tallakulam Branch, Madurai, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected



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miscellaneous petitions are closed.

10. Post the matter on 23.09.2022, “for reporting compliance”.

3. Once the Division Bench had examined the nature of the lands and had given a categorical finding that they are ryotwari patta lands, then every other litigation, questioning such classification, is only speculative in nature and it can be termed as trying to extract unlawful gain from the 4,5 and 6 respondents. Mr.Prabhu Rajadurai, was therefore vehement in his submission that the writ petition should not be permitted to be withdrawn.

4. It is also stated that earlier writ petition was filed by the very same writ petitioner, wherein, he had stated that the lands aforementioned are patta grassing lands and when that matter came up for consideration, the same was dismissed in W.P.(MD)No.23109 of 2022 by an order dated 29.03.2023(Raman Vs Superintendent of Police, Sivagangai District). The learned Single Judge had stated that the writ petition was an abuse of process of Court.

5. It is to be mentioned that another writ petition was filed seeking to invoke proceedings under Section 145 Cr.P.C.



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6. The petitioner appears to fish in dry land, seeking to make unlawful gain over the unused lands of the 4,5 and 6 respondents. The said lands are classified as ryotwari patta and the petitioner or anybody else have no matter of right, title or interest on the said lands. Eventhough costs had been imposed on the earlier occasion, the petitioner has approached this Court once again.

7. Therefore, I would not permit withdrawal of the writ petition but would rather dismiss the same by imposing costs of Rs.50,000/- payable by the petitioner herein to the District Legal Service Authority, Sivagangai where the lands are situated. The District Legal Service Authority may in turn reach out to the 4,5 and 6 respondents and examine whether the said cost amount can be used for the treatment of leprosy patients by the 4,5, and 6 respondents.

8. The same objection raised by Mr. Prabhu Rajadurai were also taken by Mr.Ashok, learned Additional Government Pleader, who had taken notice for respondents 1, 2 and 3. It is also stated by the learned Additional Government Pleader that several writ petitions have been continuously filed over the same lands eventhough the Division Bench has given a categorical finding that the lands are ryotwari patta lands.



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9. This Writ Petition stands dismissed with costs of Rs.50,000/- (Rupees Fifty Thousand only). A report is to be obtained by the Registrar (Judicial) whether the costs had been paid. Time for payment of cost is till 31.07.2023. If costs are not paid, a direction is given to the District Collector, Sivagangai, to proceed against the petitioner under the provisions of the Revenue Recovery Act for recovery of the cost amount.

10. This Writ petition stands dismissed with the aforesaid directions. Consequently, connected miscellaneous petition is closed.

01.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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