



W.P(MD)No.13016 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.13016 of 2023
and WMP(MD)Nos.11017 and 11018 of 2023

K.Bose

... Petitioner

Vs

1. The District Collector,
Madurai District, Madurai.
2. The District Revenue Officer,
Madurai District, Madurai.
3. The Revenue Divisional Officer,
Usilampatti, Madurai District.
4. The Tahsildar,
Usilampatti Taluk, Madurai District.
5. The District Forest Officer,
Madurai, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus to call for the entire records in the proceedings bearing Na.Ka.No. 121422/2003/Y2, dated 11.02.2004 on the file of the second respondent herein and quash the same and to direct the third respondent to restore the classification as Private Kalam



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Land pertaining to the petitioner's land in S.No. 321/3, Matharai, Nakkalapatti Village, Usilampatti Taluk, Madurai District including the Kalam Thrashing field in an extent of 0.18.0 hectares (44.46 cents) and change the patta in favour of the petitioner.

For Petitioner : Mr. V.Kannan

For Respondents: Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of certiorarified mandamus relating to the records of the proceedings bearing Na.Ka.No. 121422/2003/Y2, dated 11.02.2004, on the file of the second respondent and quash the same and to direct the third respondent to restore the classification as Private Kalam Land pertaining to land in S.No. 321/3, Matharai, Nakkalapatti Village, Usilampatti Taluk, Madurai District including the Kalam Thrashing field measuring 0.18.0 hectares (44.46 cents) and to change the patta in favour of the petitioner herein.

2.The petitioner has been locked in litigation over revenue records in which the lands have been classified as Kalam Puramboke. He claims that he had purchased the said lands. The second respondent has



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granted permission to the fifth respondent to enter into the said lands. That order was originally challenged by the writ petitioner in W.P.(MD) No.9099 of 2004. The writ petitioner was not diligent in prosecuting the said writ petition. Originally, an order of interim injunction was granted to the petitioner. For reason best known to the petitioner, the writ petition itself was then dismissed for non-prosecution by an order, dated 03.06.2016. Naturally, any interim order also suffered consequent to the dismissal of writ petition.

3. Thereafter, a perusal of records show that the President of Nakkalapatti Village had filed WP(MD)No.3698 of 2009, in which, the petitioner herein was arrayed as the fifth respondent. That writ petition was filed seeking a direction to restrain the Forest Authorities from constructing staff quarters and a wireless room. A learned Single Judge, by order, dated 15.02.2018 observed that the lands have been classified as Kalam Puramboke in the revenue records and therefore dismissed the writ petition.

4. The petitioner then went back to restore W.P.(MD) No.9099 of 2004 by filing WMP(MD)No.3146 of 2023. By an order, dated 21.04.2023, a learned Single Judge of this Court had permitted restoration of the writ



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petition by imposing two conditions namely payment of costs of Rs.50,000/- and that the writ petitioner should co-operate for early disposal of writ petition within a period of four weeks.

5.The petitioner has therefore is under compulsion to advance submissions relating to the merits of that particular writ petition. In this writ petition, the petitioner is seeking patta for very same land and to change the classification of the land.

6.When the issue relating to the particular land is pending for consideration before another learned Single Judge, it is extremely inappropriate to enter into any discussion on merits and also to grant any relief to the petitioner herein. The filing of a separate writ petition cannot be encouraged by this Court. The lands cannot be classified as private land and direction cannot be issued to grant patta for kalam puramboke land.

7.In WP(MD)No.3698 of 2009 referred supra, by order, dated 15.02.2018 the finding that the lands are kalam puramboke has not been questioned or reversed or re-appreciated by any appellate forum. I find no



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merits in the writ petition.

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8.With the above reasons, this writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

06.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

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C.V.KARTHIKEYAN, J.

PNM

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