



W.P(MD)No.15440 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.06.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD)No.15440 of 2023**

**and**

**W.M.P(MD)No.13029 of 2023**

S.Elangovan

... Petitioner

Vs.

1.The Commissioner of Land Administration,  
O/o. Land Administration Department,  
2nd Floor, Ezhilagam, Chepauk,  
Chennai - 600 005.

2.The District Collector,  
Madurai District.

3.The District Revenue Officer,  
Madurai District.

4.The Tahsildar,  
Madurai North Taluk,  
Madurai District.

5.The President,  
Siruvalai Village,  
Madurai North Taluk,  
Madurai District.

... Respondents



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PRAYER :-

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Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to issue the patta to the petitioner to the lands ad measuring 47 cents in old S.No. 202/5, New S.No.150/5A and measuring 27 cents in old S.No.205/8 and new S.No..150/8 in Siruvalai village in Madurai north taluk, Madurai district, after rectifying the wrong classification of the same as Sarkar Punjai Adeenam / Tharisu in SLR / UDR A Register as private land.

For Petitioners : Mr.R.Suriyanarayanan  
Advocate.

For R1 to R4 : Mrs.D.Farjana Ghoushia  
Special Government Pleader

### **ORDER**

The writ petition has been filed in the nature of a mandamus seeking a direction to the respondents 1 to 4 to issue patta to the petitioner for lands measuring 47 cents in Old Survey No.202/5, New Survey No.150/5A, measuring 27 cents in Old Survey No.205/8 and New Survey No.150/8 in Siruvalai Village in Madurai North Taluk. The petitioner claims that the classification should be rectified from ' Sarkar Punjai Adeenam Tharisu' in SLR UDR A Register as private land.



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2. The writ petitioner had filed a earlier writ petition in W.P(MD)No.41 of 2023, (S.Elangovan Vs. District Collector, Madurai District). The only difference between that particular writ petition and this writ petition is that, the Commissioner of Land Administration, had been impleaded as the first respondent in the present writ petition. That writ petition was also filed for the relief to restrain the third respondent/ the President, Siruvalai Village, Madurai North Taluk, who is the fifth respondent herein, from entering into possession of the aforementioned lands. Learned Single Judge of this Court, had passed the following order.

*" Heard the learned counsel on either side.*

*2.The petitioner wants this Court to forbear the third respondent from entering into the petition mentioned land. According to him, he has title document in his favour. However, the prayer sought for by the petitioner cannot be granted. He has to move the jurisdictional civil Court for appropriate relief. If any interlocutory application is filed by the petitioner, the jurisdictional civil Court shall entertain the same and dispose it of on merits nd in accordance with law as expeditiously as possible.*

*3.This writ petition is disposed of accordingly. Consequently connected miscellaneous petition is closed. There shall be no order as to costs."*



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3. The petitioner has not filed any suit and has not disclosed that he had filed any suit. Now the immediate cause for filing of the writ petition is that the fifth respondent / President, Siruvalai Village, Madurai North Taluk had actually entered into the lands and had also conducted Boomi Pooja. The petition has been reworded by seeking that the classification should be altered from Sarkar Punjai Adeenam / Tharisu to private land in SLR/ UDR 'A' Register. There is no reason given as to why this relief was not sought in the earlier writ petition. There is no reason advanced as to why this fact was not disclosed before the learned Single Judge in the earlier writ petition.

4. The learned Special Government Pleader also produced the original register wherein the land for which the petitioner claims to be re-classified as private land had already declared as 'Tharisu' by proceedings in Na.Ka.No. 16696/2010/G5 dated 10.04.2018 by the District Revenue Officer.

5. That classification has to be first questioned in the manner known to law. The petitioner claims that the land had been purchased by his grandmother. But that does not come to the advantage of the petitioner, since the revenue records reveal that the lands are classified as Punjai Adeenam / Tharisu lands. The petitioner should seek a comprehensive relief by filing one writ petition.



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Learned Special Government Pleader had also produced registers of the year 1985 wherein also the land had been classified as Tharisu.

6. In view of all these records available with the respondent, this Court cannot grant the relief sought by the petitioner. It could have been better had the petitioner sought all these reliefs in the earlier writ petition. It would have been better that the petitioner filed a civil suit since that particular liberty was already granted to the petitioner. Coming to the Court again by filing an other writ petition, cannot be encouraged. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

**28.06.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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**C.V.KARTHIKEYAN, J.**

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To

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Chennai - 600 005.
- 2.The District Collector, Madurai District.
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ORDER  
IN

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