



W.P(MD)No.17839 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.17839 of 2023

K.Subramaniyan

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Lalgudi Taluk,
Trichy District.

3.The Tahsildar,
Lalgudi Taluk,
Trichy District.

4.Sumathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to cancel the Patta No.6475 granted in favour of the



W.P(MD)No.17839 of 2023

4th respondent in respect of land including a pond comprised in survey No.126/2B situated in Neikulam Village, Lalgudi Taluk, Trichy District and retrieve the tank to its original position by considering the petitioner's representation dated 27.06.2023.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.B.Saravanan, Senior Counsel,
Assisted by Mr.D.Krubakaran for R4.

ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the official respondents and the learned senior counsel for the private respondent.

2.The case of the petitioner is that the petition mentioned survey number namely, S.No.126/2B in Neikulam Village, Lalgudi Taluk was originally classified as tank and that patta was erroneously granted in favour of the fourth respondent herein and that it should be cancelled. The petitioner also wants the authority to retrieve the tank.



W.P(MD)No.17839 of 2023

WEB COPY

3.We went through the original records. We do find that S.No.126/2B has been classified as ryotwari punjai and the pattadar was one Padmanba Reddiar. However, in the “remarks column”, it has been mentioned as a tank.

4.When in respect of the very same cause of action, W.P.(MD)No.11157 of 2017 was filed, it was dismissed by the Hon'ble Division Bench on 15.06.2017 in the following terms:-

“4.The learned Special Government Pleader appearing for the respondents 1 to 3 has contended to the effect that as per revenue records Survey No.126/2B has been classified as Rayatwari Punjai, wherein a tank is situate and therefore the petitioner has no locus standi to file the present writ petition.

5.In fact this Court has perused original 'A' Register, wherein it has been clearly mentioned that Survey No.126/2B as Rayatwari Punjai and the same stands in the name of Padmanaba Reddiar.



W.P(MD)No.17839 of 2023

6.Considering the fact that the land mentioned in the petition does not belong to Government and the same is a private land, this writ petition is not factually and legally maintainable and therefore the same deserves to be dismissed.

7.In fine, this writ petition is dismissed. No costs.”

5.A second writ petition was filed by one Madhan in W.P.(MD)No.8746 of 2018. It was also dismissed on 11.12.2018. A third writ petition was filed by one Rajendran in W.P.(MD)No.13400 of 2023. That was also dismissed on 08.06.2023.

6.We are therefore of the view that a fourth writ petition on the very same cause of action, though the prayer may be couched little differently, cannot be entertained. At the same time, We cannot shut our eyes to the “remarks column” in the original records and the effect of Section 14(A) of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963. Even while declining to entertain the writ petition, We grant liberty to the petitioner to workout his rights in the manner known to law.



W.P(MD)No.17839 of 2023

WEB COPY

7.This writ petition is disposed of accordingly. No costs.

(G.R.S.J.) & (B.P.J.)
08.08.2023

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

To:-

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Lalgudi Taluk,
Trichy District.
- 3.The Tahsildar,
Lalgudi Taluk,
Trichy District.



WEB COPY



W.P(MD)No.17839 of 2023

**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

W.P(MD)No.17839 of 2023

08.08.2023