



W.P(MD)No.13207 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13207 of 2015

S.Mohamed Noor Khan Pani

... Petitioner

Vs

1.The Commissioner,
Land Administration,
Elizhagam,
Chepauk,
Chennai – 5.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.Vironika Jeyaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to pass orders following the order of the first respondent dated 11.06.2015 passed subsequent to the petitioner's representation dated 25.04.2015.

For Petitioner : No Appearance



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For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 & R.2

Mr.S.Venkatesan
for Mr.A.Sivaji for R.3

ORDER

None appears for the writ petitioner.

2. The case is posted under the caption “for dismissal”.

3. I went through the averments set out in the affidavit filed in support of the writ petition and also heard the learned Additional Government Pleader as well as the learned counsel appearing for the third respondent. It is seen that the third respondent's vendor (Gomathi Ammal and others) were the defendants in O.S.No.31 of 1984 on the file of Sub Court, Tirunelveli and decree was passed against them. Aggrieved by the same, they filed A.S.No.877 of 1989 before the Madurai Bench of Madras High Court. The appeal was allowed on 10.08.2008. Thereafter quite a few proceedings appear to have taken place. The District Revenue Officer issued proceedings dated 13.11.2009. The Commissioner of Land Administration also took up the matter by way of *suo motu* review. It appears to have been dropped.



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4. The District Collector, Tirunelveli issued proceedings dated 24.07.2014 for classifying the lands as “Thoppu Poramboke” in the revenue records. This proceedings was put to challenge by the third respondent herein in W.P(MD)No.13384 of 2015. It was dismissed as withdrawn on 11.10.2017. When I wanted to know the reason, the learned counsel appearing for the third respondent submitted that since revenue records had been mutated in her favour, the third respondent did not want to pursue the matter.

5. In these circumstances, the Writ of Mandamus may not really lie. The writ petitioner may have to file a fresh writ petition by couching the prayer appropriately. Granting such liberty to the petitioner, this writ petition is dismissed. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs.

10.08.2023

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

To
1.The Commissioner,
Land Administration,
Elizhagam,
Chepauk,
Chennai – 5.



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G.R.SWAMINATHAN, J.

MGA

2.The District Collector,
Tirunelveli District,
Tirunelveli.

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