



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10358 of 2024

S.Kanagaraj

...

Petitioner

versus

- 1.The Secretary,
Survey and Settlement Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Commissioner,
Survey and Settlement Commission,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
District Collectorate,
Tiruvannamalai - 606 604.
- 4.The Revenue Divisional Officer,
Villupuram to Mangalore Road,
Tiruvannamalai District.
- 5.The Tahsildar,
Chengam Taluk,
Tiruvannamalai District.



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6.The District Registrar,
District Collectorate Complex,
Tiruvannamalai District.

7.The Sub Registrar,
No.14, Raja Veethi,
Chengam,
Thiruvannamalai District - 606 701.

8.Perumal ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 3 to 7 to cancel the Patta No.153 and registered sale deed bearing document No.3646/05 in Survey No. 23/11 to the extent of 2.33 acres in the name of the 8th respondent is situated at Karungalipadipatti Village, Puliampatti Post, Chengam Taluk, Tiruvannamalai District and declare as a Government land and consider petitioner's representation dated 13.02.2024 in the light of the Hon'ble Supreme Court order in AIR 1985 SC 389 (Lingappa Pochanna Vs. State of Maharashtra) within a stipulated time.

For Petitioner	:	M/s.Nagendra Prasath
For Respondent Nos.1 to 5	:	Mr.P.Sathish Additional Government Pleader
For Respondent Nos.6 & 7	:	Mr.Yogesh Kannadasan Special Government Pleader

ORDER

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.



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2. This Writ Petition is filed seeking direction to the respondents 3 to 7 to consider the representation of the petitioner dated 13.02.2024 mainly on the ground that the 8th respondent has purchased the property of the tribals, which is invalid. Therefore, the same should be declared invalid and his representation has to be considered.

3. On perusal of the entire writ petition, it clearly indicates that there is a civil suit filed against the petitioner by the 8th respondent in O.S.No.5 of 2020 which is decreed against the writ petitioner. Therefore, in order to get over the decree of the Civil Court, the representation sought to be considered.

4. This Court is of the view that the petitioner has no right to seek such relief when he already suffers a decree from the Civil Court. Hence, I do not find any merits in this Writ Petition and the same is dismissed. No costs.

16.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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