



W.P.Nos.24496 of 2006 & 16692 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.24496 of 2006

&

M.P.No.1 of 2006

and

W.P.No.16692 of 2017

&

W.M.P.Nos.26644 of 2018 &

W.M.P.Nos.25684 & 18073 of 2017

W.P.No.24496 of 2006

K.Vijayan

... Petitioner

Vs.

1. The Special Commissioner and
Commissioner for Land Administration,
Chepauk, Chennai -5.
2. The Collector,
Kancheepuram District,
Kancheepuram.
3. The Commissioner,
Pallavapuram Municipality,
Pallavaram,
Chennai.
[R3 impleaded as per order



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of this Court dated 26.08.2011
made in M.P.No.1 of 2011
in W.P.No.24496 of 2006]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records, relating to the order of the first respondent in his proceedings in RC.No.K1/20220/04. Dated 25.07.2006 and to quash the same and direct the respondent-2 herein to take necessary criminal action against the individuals concerned.

For Petitioner : Mr.P.Thiagarajan

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

W.P.No.16692 of 2017

K.Vijayan

... Petitioner

Vs.

1. The District Collector,
Collectorate of Kancheepuram District,
Kancheepuram Town and District.
2. The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.
3. The Tahsildhar,



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Alandur Taluk,
Alandur,
Kancheepuram District.

4. The Special Tahsildhar,
(Town Survey),
Pallavaram.
 5. The Commissioner,
Pallavapuram Municipality,
Pallavaram,
Chennai.
 6. The Principal Commissioner of Land Administration,
Chepak, Chennai -5.
 7. The Central Bank of India,
Represented by the Principal,
Officer and Senior Manager,
Mylapore Branch, Luz Church road,
Chennai 600 004.
- [R6 & R7 are impleader as per order
dated 13.08.2018 in W.M.P.No.7432/18
in W.P.No.16692 of 2017]
8. J.M.Sekar
[R8 impleaded as per order of this Court
dated 13.08.2018 in W.M.P.No.22823 of 2018 in
W.P.No.16692 of 2017]

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the proceedings of the Special Tahsildar (Town Survey), Pallavaram, the fourth respondent, in Na.Ka.47/2016/A1 dated 25.11.2016 and quash the same and consequently to direct the first respondent to complete the enquiry and pass suitable order in pursuance of the report filed before him on 05.01.2012 by Tahsildhar, Alandur on the petitioner's representation dated 26.12.2011 within the stipulated time.

For Petitioner : Mr.P.Thiagarajan

For R1 to R4 & R6: Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

For R5 : M/s.P.Srinivas

For R7 : No appearance

For R8 : Mrs.G.Devi

ORDER

The Writ Petition in W.P.No.16692 of 2017 has been filed to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the proceedings of the Special Tahsildar (Town Survey), Pallavaram, the fourth respondent, in Na.Ka.47/2016/A1 dated 25.11.2016 and to quash the same and consequently to direct the first respondent to complete the enquiry and pass suitable order in pursuance of the report filed before him on 05.01.2012 by the Tahsildhar, Alandur on the petitioner's



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representation dated 26.12.2011 within the stipulated time.

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2. The Writ Petition in W.P.No.24496 of 2006 has been filed to issue a Writ of Certiorarified Mandamus, calling for the records, relating to the order of the first respondent in his proceedings in RC.No.K1/20220/04 dated 25.07.2006 and quash the same and to direct the respondent-2 herein to take necessary criminal action against the individuals concerned.

3. Learned counsel for the petitioner submitted that without considering the documents produced by the petitioner, the first respondent in W.P.No.24496 of 2006 has passed the impugned order on 25.07.2006. He further submitted that the vendor of the petitioner has got title even in the year 1995 itself. The petitioner has purchased the property on 29.09.1999. Without considering the documents produced by the petitioner, initially, the Special Tahsildar/the fourth respondent in W.P.No.16692 of 2017, has passed the order dated 25.11.2016.



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Challenging the same he has filed appeal before the second respondent and the second respondent referred the matter to the first respondent. The first respondent without considering the documents filed by the petitioner, passed the impugned order. Hence the petitioner has filed the present writ petitions.

4. Learned counsel appearing for the eighth respondent in connected W.P.No.16692 of 2017 submitted that the writ petition W.P.No.24496 of 2006 was dismissed for default by this Court on 28.09.2011 and the petitioner, without taking steps to restore the said petition, has filed a fresh writ petition in W.P.No.26049 of 2017 for the same relief. This Court dealt with the case and dismissed the writ petition in W.P.No.26049 of 2017 on merits, vide order dated 05.10.2017 and at the end of the dismissal of the writ petition in W.P.No.26049 of 2017, the writ petitioner prayed this Court to file a restoration petition and hence this Court stated that this Court cannot prevent him from filing restoration petition. Though this Court dismissed W.P.No.26049 of 2017 on merits, the petitioner has not challenged that order, whereas, the



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petitioner suppressed the abovesaid facts, and he has filed the miscellaneous petition in W.M.P.No.36850 of 2019 in W.P.No.24496 of 2006 to restore W.P.No.24496 of 2006, which was dismissed for non-prosecution on 17.12.2018 and to decide the same on merits. In the affidavit filed in support of the restoration petition (W.M.P.No.36850 of 2019), the petitioner has not disclosed anything about the dismissal of that writ petition in W.No.26049 of 2017 on merits by this Court on 05.10.2017. Dismissal order passed by this Court was set aside and the writ petition in W.P.No.24496 has been restored. He further submitted that in W.P.No.26049 of 2017, this Court passed the order on merits.

5. One of the submission/observation made by the petitioner is that he has not challenged the earlier order passed by the Special Officer. Without challenging the earlier order, he challenged the subsequent order passed by the first respondent. Hence this Court, while dismissing the writ petition in W.P.No.26049 of 2017, has not given liberty to the petitioner either to challenge the earlier order passed by the Special Tahsildar or to file the restoration petition and decided the writ petition



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on merits.

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6. Admittedly, W.P.No.24496 of 2006 has been filed challenging the impugned order dated 25.07.2006 passed by the first respondent. When the matter came up before this Court, the writ petition in W.P.No.24496 of 2006 was dismissed for default on 28.09.2011. Subsequently, the petitioner has filed another writ petition in W.P.No.26049 of 2017 and the relief sought for by the petitioner in W.P.No.26049 of 2017 is same as the relief sought by the petitioner in W.P.No.24496 of 2006. This Court, vide order dated 05.10.2017, dismissed the writ petition in W.P.No.26049 of 2017 on merits. Once the impugned order was testified by this Court on merits and the issues involved in the writ petition attained finality, this Court cannot re-appreciate the same.

7. This Court in W.P.No.26049 of 2017 passed the order on merits and already the impugned order has been upheld by this Court and no appeal has been filed against the same and hence this Court cannot take a different view against the views given by this Court and re-appreciate



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the same.

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8. In view of the above, both the Writ Petitions are dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

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Commissioner for Land Administration,
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2. The Collector,
Kancheepuram District,
Kancheepuram.
3. The Commissioner,
Pallavapuram Municipality,
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4. The District Collector,
Collectorate of Kancheepuram District,
Kancheepuram Town and District.



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5. The Revenue Divisional Officer,
Tambaram,
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6. The Tahsildhar,
Alandur Taluk,
Alandur,
Kancheepuram District.
7. The Special Tahsildhar,
(Town Survey),
Pallavaram.
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Pallavapuram Municipality,
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9. The Principal Commissioner of Land Administration,
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P.VELMURUGAN, J.

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