



W.P.(MD)No.7515 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.7515 of 2024
and
W.M.P.(MD)No.6896 of 2024**

Balamurugan, S/o.Kathan

... Petitioner

-VS-

- 1.The Commissioner of Revenue Administration,
State of Tamil Nadu,
Chepauk,
Chennai - 600 005.
- 2.The District Collector,
Collectorate,
Madurai District.
- 3.The District Revenue Officer,
Collectorate,
Madurai District.
- 4.The Revenue Divisional Officer,
Office of RDO,
Vellaripatti,
Madurai District.



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5.The Tahsildar,
Madurai East Taluk,
Madurai District.

6.The Inspector General (Registration),
Chennai.

7.The District Registrar
Registration Department,
Madurai District.

8.The Sub Registrar,
Thamaraipatti S.R.O.,
Chittampatti,
Madurai District.

9.The Panchayat President,
Jothiyapatti Village,
Madurai District.

10.The Superintendent of Police,
Madurai District.

11.M.Nagamani

12.Sivagnanam, S/o.Sonai Servai

13.Karuppaiah, S/o.Raju Pillai

... Respondents

[R13 is impleaded as per order dated 22.08.2024,
made in W.M.P.(MD)No.16081 of 2024]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to conduct appropriate



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enquiry on the petitioner's petition dated 20.12.2023 and to cancel all the fraudulent registrations and Pattas in respect of lands in Madurai District, Madurai East Taluk, Jothiyapatti Village and Kuruthur Village, comprising Resurvey Nos.60A/4, 60A/4A, 61/1, 61/2, 61/3, 61/4, 67/5, 69/10, 69/7, 175/10, 176/81, 178/5, 178/7, 179/7, 180/1, 180/3, 188/1, 188/2 and 188/9, measuring an extent of 40 Acres and restore the all the revenue records in the name of Kannayiram Velar and direct the first respondent to pass appropriate orders to construct Government Colleges or Schools in the above said lands within the stipulated time fixed by this Court.

For Petitioner : Mr.S.Madhankumar
For R1 to R8 : Mr.P.Thilakkumar
Government Pleader
For R9 : No Appearance
For R10 : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)
For R13 : Mr.G.Prabhu Rajadurai

ORDER

[Order of the Court was made by **R.SUBRAMANIAN, J.**]

Prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the second respondent to conduct appropriate enquiry on the petitioner's petition dated



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20.12.2023 and to cancel all the fraudulent registrations and Pattas in respect of lands in Madurai District, Madurai East Taluk, Jothiyapatti Village and Kuruthur Village, comprising Resurvey Nos.60A/4, 60A/4A, 61/1, 61/2, 61/3, 61/4, 67/5, 69/10, 69/7, 175/10, 176/81, 178/5, 178/7, 179/7, 180/1, 180/3, 188/1, 188/2 and 188/9, measuring an extent of 40 Acres and restore the all the revenue records in the name of Kannayiram Velar and direct the first respondent to pass appropriate orders to construct Government Colleges or Schools in the above said lands within the stipulated time fixed by this Court."

2. Now, Section 77-A of the Registration Act, 1908 has been held to be unconstitutional by the Division Bench of this Court in **M.Kathirvel vs. The Inspector General of Registration [WP.No.10291 of 2022 etc. batch, dated 02.08.2024]**. The authorities cannot be directed to conduct an enquiry.

3. As regards the other prayer to construct Government Colleges in the suit lands, it is not for this Court to decide as to where the Government Colleges or Institutions should be located. It is for the Government to decide as to where the Institutions should be established. Further, it is seen that the petitioner claims that the lands were donated by the Village People to one Kannayiram Velar, who



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promised to build an Arts College on those lands. After the demise of Kannayiram Velar, his legal representatives have claimed communal title to the lands.

4. These are all questions which will have to be decided in a properly constituted suit before a competent Civil Court. These questions cannot fall within the subject matter of decisions under Article 226 of the Constitution of India, especially when this Court does not have the benefit of the factual matrix in the form of evidence before it. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
smn2

[R.S.M., J.] [L.V.G., J.]
22.08.2024

To:-

- 1.The Secretary to Government of Tamil Nadu,
Department of Revenue (Land Revenue),
Fort St. George, Chennai - 9.
- 2.The District Collector,
Dindigul District,
Dindigul.



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- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Dindigul.
- 4.The Tahsildar,
Natham Taluk,
Natham,
Dindigul District.
- 5.The Executive Director,
WRO/PWD, Manjalar Basin Division,
Periyakulam - 625 601.



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