



WP (MD) No.21525 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.21525 of 2015

M.Govindaraj Konar

... Petitioner

Vs

1.The District Revenue Officer,
Tiruchirapalli.

2.The Revenue Divisional Officer,
Tiruchirapalli.

3.The Tahsildar,
Tiruchirapalli,
Tiruchirapalli Taluk,
Tiruchirapalli Dist.

4.M.Shanmugam

5.B.Subramani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to initiate criminal action against the respondents 4 and 5



WP (MD) No.21525 of 2015

who have conspired to misappropriate the lands in S.No.182/4 in Suriyoor Village by using fabricated revenue records as per the order of the 1st respondent dated 15.12.2014.

For petitioner : Mrs.S.Devasena
For R1 to R3 : Mr.R.Suresh Kumar
Additional Government Pleader
For R4 : Mrs.J.Ananadhavalli
For R5 : No appearance

ORDER

The case of the petitioner is that the land in S.No.187 was purchased by his father by way of a registered deed in the year 1953. Thereafter, it was classified as New S.Nos.182/1, 182/2, 182/3 and 182/4. However, a patta was granted in favour of the third parties. Therefore, the petitioner has filed a suit in O.S.No.1144 of 2010 before the District Munsif Court, Trichy and obtained an order of decree on 14.02.2011. While so, the fourth respondent has purchased the subject property from the fifth respondent by way of a fabricated document.



WP (MD) No.21525 of 2015

Therefore, the petitioner has filed a petition before the Revenue Divisional Officer, Trichy, based on which, an enquiry was conducted and patta granted to the fourth respondent was cancelled by proceedings dated 21.02.2013. The proceedings was challenged before this Court in W.P(MD) No.4331 of 2013, wherein, this Court stayed the criminal proceedings as against the fourth respondent. A revision petition has also been filed before the revisional authority challenging the order dated 21.02.2013. The revisional authority has confirmed the order of the Revenue Divisional Officer and directed the third respondent to initiate action as against the persons, who have conspired for misappropriation of the land. Further the revisional authority has confirmed the order of the second respondent on 15.12.2014.

2.The learned counsel appearing for the petitioner submits that though the District Revenue Officer, Trichy/the first respondent has directed the Tahsildar, Trichy /the third respondent to initiate a



WP (MD) No. 21525 of 2015

criminal proceedings that there was a fabrication of document, the third respondent has not acted upon it. Therefore, the petitioner has filed this writ petition seeking a Mandamus to the third respondent to initiate criminal action against the respondents 4 & 5, who have conspired to misappropriate the land in S.No.182/4 in Suriyur Village, as per the orders of the first respondent, dated 15.12.2014.

3.The learned counsel further submits that the petitioner has filed a separate writ petition in W.P(MD) No. 9172 of 2016 as against the order passed by the District Revenue officer in Na.Ka.No.A2/14536/2013 and the said writ petition was disposed of by this Court on 20.10.2023 and the relevant paragraph is as under:-

10.Accordingly, this writ petition is allowed and the impugned proceedings of the second respondent dated 15.12.2014 is set aside and the matter is remanded back tot he second respondent for fresh consideration. The



WP (MD) No. 21525 of 2015

second respondent shall consider the case of the petitioner afresh, in the light of the judgment and decree dated 14.12.2011 and also in the light of the information which has been provided to the petitioner by the Personal Assistant to the District Collector, Tiruchirapalli, dated 21.01.2015 and pass orders, after providing an opportunity of hearing to the petitioner, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

4. Today (18.03.2024) when this writ petition is taken up for hearing, the learned counsel appearing for the petitioner submits that in view of the earlier order passed by this Court in W.P(MD) No. 9172 of 2016, the issue is now remanded back to the first respondent and therefore the first respondent shall take a fresh decision after conducting an enquiry.



WP (MD) No. 21525 of 2015

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5. The learned counsel appearing for the fourth respondent submits that they have filed a memo that they are not having any instructions.

6. This Court considered the rival submissions made and also perused the materials placed on record.

7. The petitioner with a grievance that the patta for the petitioner's ancestral property has been issued in favour of third parties has approached this Court. The petitioner claims that he has obtained a decree from the competent civil Court. However, the revenue records have been mutated in favour of third parties. The petition has already moved a writ petition before this Court in W.P(MD) No. 9172 of 2016, wherein, the issue has been remanded back to the first respondent to take a decision afresh. Since this Court has already passed an order in W.P(MD) No. 9172 of 2016 on the same subject matter, this Court is



WP (MD) No.21525 of 2015

not inclined to issue any further directions.

8. Accordingly, this writ petition is disposed of with liberty to the petitioner to work out his remedy before the Revenue Divisional officer. No costs.

18.03.2024

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn

To

1. The District Revenue Officer,
Tiruchirapalli.
2. The Revenue Divisional Officer,
Tiruchirapalli.
3. The Tahsildar,
Tiruchirapalli,
Tiruchirapalli Taluk,
Tiruchirapalli District.



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WP (MD) No.21525 of 2015

B.PUGALENDHI, J.

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Order made in
WP(MD)No.21525 of 2015

18.03.2024