



W.P.(MD)Nos.4283, 4284 of 2025, 23623, 23624, 25781 to 25784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)Nos.4283, 4284 of 2025, 23623, 23624, 25781 to 25784 of 2024
and

W.M.P.(MD)Nos.3071 to 3074 of 2025, 20001, 20004, 21849, 21851, 21877 and
21860 of 2024

Gokula Krishnan	... Petitioner in WP(MD)No.4283 of 2025
K.Venugopal	... Petitioner in WP(MD)No.4284 of 2025
K.Ponnusamy	... Petitioner in WP(MD)No.23623 of 2024
K.Srinivasan	... Petitioner in WP(MD)No.23624 of 2024
Viswanathan	... Petitioner in WP(MD)No.25781 of 2024
Gandhi @ Sivagnanam	... Petitioner in WP(MD)No.25782 of 2024
Ramamoorthy	... Petitioner in WP(MD)No.25783 of 2024
Periyakaruppan @ Mahendran	... Petitioner in WP(MD)No.25784 of 2025

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.



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2. The District Revenue Officer,
Thanjavur,
Thanjavur District.

3. The Assistant Divisional Engineer,
Southern Railway,
Thanjavur.

...Respondents in all petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining the impugned orders in Na.Ka.14896/2022/H1 dated 16.11.2023 passed by the 2nd respondent and the consequential notices issued by the 3rd respondent in No.E/4/SMM dated 10.02.2025, No.E/4/SMM/Land, 27.09.2024 and quash the same as illegal, arbitrary and unenforceable, consequently direct the 2nd respondent to grant assignment of land to the petitioners as per the order of Commissioner of Land Revenue and Commercial Taxes (Office of the Board of Revenue Chepauk, Madras) in B.P.Rt.608 dated 06.02.1948.

For Petitioner : Mr.C.Padma Raj

(in WP(MD)No.4283 & 4284 of 2025, 25781 to 25784 of 2024)

Mr.K.Vijayaraghavan

(in WP(MD)No.23623 & 23624 of 2024)

For Respondents : Mr.M.Sarangan (R1 & R2)

Additional Government Pleader

Mr.K.Govindarajan (R3)

Deputy Solicitor General of India



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COMMON ORDER

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(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The writ petitions have been instituted challenging the orders of the District Revenue Officer, Thanjavur, dated 16.11.2023 and the consequential notices issued by the southern railway on 27.09.2024 and 10.02.2025.

2. The petitioners are in occupation of the land in S.No.387/C measuring 4.18 acres situated in Saliangalam Village, Papanasam Taluk, Thanjavur District. The petitioners state that they are in continuous occupation and the land did not belong to southern railway.

3. The respective learned counsels for the petitioners would rely on the proceedings of the Board of Revenue, Chepauk, Madras, dated 6th February, 1948 stating that the railway administration has no further interest in the land. Therefore, the railway, now at this length of time cannot claim ownership and therefore, the writ petitions sought to be considered.

4. It is further contended that the learned Single Judge of this Court disposed of CRP(NPD)(MD)Nos.1902 to 1904 and 1997 to 2001 of 2014 on



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31.07.2015. Pertinently, the said Civil Revision Petitions have been instituted by the Estate Officer, Divisional Railway Manager against the order of the learned Principal District Judge, Thanjavur. The learned Single Judge passed an order stating that the learned appellate Judge / learned Principal District Judge decided the matter on the basis of the proceedings of the Board of Revenue dated 06 February, 1948 and thus, there is no question of interfering with the said orders solely on the ground that the records maintained by the railways indicate that the subject land belongs to southern railway.

5. Since the Civil Revision Petitions have been filed by the southern railway and there was no adjudication of title and it was the Civil Revision Petitions, the said order cannot be a basis for claiming the title or ownership by the writ petitioners herein. Pertinently, one of the writ petitioners had filed another writ petition in WP(MD)No.2683 of 2014 and the learned Single Judge disposed of the writ petition on 07.02.2022 granting liberty to the petitioner to give a fresh representation to the District Revenue Officer, Thanjavur District, with regard to the request for reclassification of the subject land from “railway permanent” to “government poramboke” and for assignment of the said land to the petitioner according to individual holding on receiving market value within a period of two



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weeks from the date of receipt of a copy of the order. It is admitted by the petitioner before the learned Single Judge that the classification of the land remains as “railway permanent”. Thus, they sought for an alteration of the classification, for which the learned Single Judge granted liberty to submit a fresh representation to the District Revenue Officer.

6. Pursuant to the orders of the learned Single Judge, the District Revenue Officer conducted an elaborate enquiry by affording opportunity to all the parties. A final order has been passed in proceedings dated 16.11.2023. The order reveals that opportunity had been provided to all the parties. The findings in the said order reveal that the land was taken possession of the railways more than 1 ½ century ago by land acquisition proceedings. Therefore, the petitioners have wrongly pleaded that railways has relinquished their rights in the year 1876 and illegally encroached upon the subject property. Eviction proceedings were initiated by southern railway from the year 2014 onwards. On account of multiplicity of proceedings, the eviction proceedings have not reached finality.

7. The relief sought for by the petitioners in their representations that classification must be altered has been rejected by the District Revenue Officer.



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The further request of the petitioners to receive the market value and hand over the land was also rejected. The facts and circumstances would reveal that the petitioners claim right over the land and therefore, Writ Court cannot adjudicate such disputed facts. The dispute is of civil nature, which is to be resolved by approaching the competent civil Court of law. Trial nature proceedings are imminent for settling the disputes of civil nature. Writ Court cannot entertain such writ petitions and in the event of any finding, the same would result in causing prejudice to either of the parties and there is a likelihood of miscarriage of justice. Any person claiming property right of this nature has to approach the Civil Court of law to establish ownership or title through documents and evidences including the issues relating to non-mutation of revenue records. Therefore, the exercise of adjudicating the disputed facts cannot be undertaken by the writ Court under Article 226 of the Constitution of India.

8. In view of the facts and circumstances, this Court is of the considered view that these writ petitions are not maintainable and it is unnecessary for the High Court to entertain such writ petitions and make an effort to resolve the dispute of civil nature. All the writ petitions are dismissed.



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9. In respect of WP(MD)No.4283 of 2025, the learned counsel

appearing for the petitioner would submit that a decree has been passed by the civil Court in his favour. Even in such case, the writ petition in WP(MD)No.4283 of 2025 is not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)
11.06.2025

NCC : Yes / No
Index : Yes / No
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To:-

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