



W.P.(MD)No.5708 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.5708 of 2025

Chinnadurai

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary to the Government,
Revenue Department,
Fort St. George, Secretariat,
Chennai – 600 009.
2. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai – 5.
3. The District Collector,
Pudukottai District,
Pudukottai.
4. The District Revenue Officer,
Pudukottai District,
Pudukottai.
5. The Revenue Divisional Officer,
Illupur Revenue Division, Illupur,
Pudukottai District.



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6.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.

7.R.Palanisamy

(R7 impleaded vide Court order dated
21.04.2025 in WMP(MD)No.6078/2025) ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to dispose the petitioner's representation dated 22.07.2024 relating to reclassification of land in respect of survey number S.F.No.299/3 for an extent of 0.05.0 Hectres situated at Keelathaniyam Village, Ponnamaravathi Taluk, Pudukottai District.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1-6

: Mr.Babu Rajendran for R7

ORDER

I have heard the learned counsel on either side.

2. The learned counsel for the petitioner would submit that the petitioner has made an application for reclassification of the lands and the said application dated 22.07.2024 is pending before the fourth



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respondent. The learned counsel for the petitioner only seeks for expeditious disposal of the said representation by issuance of a writ of mandamus.

3. Per contra, Mr.Babu Rajendran, learned counsel appearing for the newly impleaded 7th respondent would submit that the petitioner has not come to this Court with clean hands and has suppressed various orders passed by this Court, touching upon the very same issue. In this connection, he would refer to the order passed at the earliest point of time, where one R.Sundaram filed a Public Interest Litigation in W.P. (MD)No. 21382 of 2017, seeking to remove the encroachments, including the petitioner's occupation, against the petitioner. The said writ petition was allowed and alleging wilful disobedience, Cont.P.(MD)No. 544 in 2019 was filed by the said R.Sundaram and the contempt petition was closed, accepting the arguments of the learned counsel appearing for the official respondents that the Tashildar has already passed an order on 09.08.2019. Thereafter, one more contempt petition in Cont.P.(MD)No. 652 of 2020 was filed by Mr.R.Sundaram. The said contempt petition was closed with a direction to dispose of the appeal filed by the writ



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petitioner within a period of six weeks. The writ petitioner thereafter preferred WP(MD)No. 15017 of 2020 seeking a direction to dispose of his appeal within a period of six months. The said writ petition was disposed of, granting six months time from 20.10.2020. The petitioner filed one more writ petition, to consider his application for stay pending the appeal before the revisional authority. The said writ petition was also disposed of, directing the stay application to be taken up. Thereafter the 7th respondent herein has filed a public interest litigation in W.P. (MD)No. 12919 of 2024, seeking to remove the encroachments. The said writ petition was ordered by Hon'ble Division Bench on 25.06.2024, granting six months time for removing the encroachments. Thereafter, the petitioner came forward with W.P.(MD)No. 21876 of 2024, challenging the order of removal of encroachment. The said writ petition was disposed of, directing the writ petitioner to make alternate arrangements and handover possession within a period of six months from 12.09.2024. Contempt Petition filed by R.Sundaram was thereafter closed recording that eviction order was passed against the writ petitioner. It is thereafter that the present writ petition has been filed by the petitioner, seeking disposal of the representation for reclassification.



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4. As rightly pointed out by Mr. Babu Rajendran, learned counsel for the seventh respondent even in the earlier writ petition, the very same prayer was sought for by the petitioner in W.P.(MD)No.21876 of 2024, prayer sought is as follows:

“Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the sixth Respondent vide his proceedings in O.Mu.8730/2018/A2 dated 03.09.2024 and quash the same as illegal, consequently directing the respondents to consider petitioners application for reclassification of land dated 22.07.2024 pending on the file of the 2nd Respondent within in time frame fixed in this Court.”

5. The Hon'ble Division Bench of this Court, while disposing of the said writ petition, the following order is as follows:

“2.The petitioner is found to have committed encroachment on S.F.No.299/3 which has been classified as “water body”. The petitioner suffered order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The appeals and revisions filed by him have also



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been dismissed. The petitioner has not challenged the order passed in revision so far. The impugned memorandum dated 03.09.2024 is only consequential in nature. Without there being a challenge to the primary order, challenge to the consequential proceedings is clearly not maintainable.

3.We went through the photographs enclosed in the typed set of papers. It is seen that a pucca house has been put up. Considering the special facts and circumstances of the case, we direct the respondents not to enforce the order for a period of six months. We grant such a long time so that the petitioner can make alternative arrangements in the meanwhile.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed. ”

6. Now, the petitioner has renewed his request for considering his application for reclassification of land, again seeking orders pertaining to the very same representation dated 22.07.2024. The learned counsel for the petitioner would submit that the said prayer of the writ petitioner, seeking reclassification of land under representation dated 22.07.2024 was not addressed by the Hon'ble Division Bench of this Court in the

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order dated 12.09.2024 and therefore, according to the learned counsel for the petitioner, the said application for reclassification is still pending and has to be necessarily considered by the authorities. However, I am unable to countenance the submission of the learned counsel for the petitioner for the simple reason that this Court has not granted the relief as prayed for by the petitioner and has chosen to mould the relief by rejecting the contentions of the writ petitioner, on the ground that the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, which were already challenged by way of appeal and revision and same were dismissed. Subsequently, Government Order has also been passed directing the respondents to remove the encroachment. However, considering the fact that the petitioner has put up a pucca house and treated it as a special case, the Hon'ble Division Bench directed the respondents not to enforce the order of eviction for a period of six months and directed the petitioner to make alternate arrangements. In the meantime, now it is not open to the petitioner to contend that his prayer for reclassification was left open and the said issue has not been addressed by the Hon'ble Division Bench. If so, the petitioner ought to have filed a review seek clarification of the order passed by the Hon'ble



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Division Bench. I am unable to entertain the present writ petition renewing the request made under representation dated 22.07.2024, under the guise of reclassification of the lands, based on the error committed during the UDR. In any event the petitioner, in all fairness has not even disclosed the earlier writ petition, not only filed by the petitioner himself but also by the newly impleaded 7th respondent and one R.Sundaram, which also resulted to led to contempt proceedings as well. It is unfortunate that the petitioner was a party to the writ petitions. In fact, two of them were filed by the petitioner himself. The petitioner should have disclosed the factum of the said writ petition and the result of the same.

7. The learned for the 7th respondent would place reliance on decision the of the Hon'ble Supreme Court ***S.Tirupathi Rao V. M.Lingamaiah*** reported in ***2024-SCC Online SC 1764***, the Hon'ble Supreme Court held as follows:

“8. The present lis confronts us primarily with two inter-related legal issues.



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The first one requires us to examine whether the parameters set out in Order XLVII Rule 1 of the CPC for exercising the power of review, as interpreted by this Court in its numerous judgments, were at all satisfied for the High Court to embark on an exercise of review. The second issue requiring our consideration is the terminus a quo for commencement of the point of limitation in matters of contempt, in the light of provisions of section 20 of the Act read with Article 215 of the Constitution and rule 21 of the Writ Rules. This would, in turn, require us to examine whether the contempt petition could have been held to be maintainable by the High Court on the ground of the appellant having continued to observe the order (directing mutation to be effected) in the breach; in other words, whether there was a continuing wilful breach of the order of the Single Judge dated 5th March, 2009, amounting to civil contempt. These being preliminary legal issues are proposed to be dealt with at the outset. Needless to observe, hardly any other issue would survive for decision should any of these issues be answered in favour of the appellant and against the first respondent.”



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8. He would also reply upon the decision of the Hon'ble Division Bench of the Supreme Court in ***Leelawati (Dead) V. State of U.P.***, in Civil Appeal No.1438 of 2025 dated 04.02.2025, where the Hon'ble Supreme Court observed as follows:

“9. It is necessary to observe that the proceedings in the Court of law are initiated for adjudication of disputes and to provide justice to the parties, by which trust and confidence of the litigants reposed on this great institution can be maintained. In case one of the parties misuse the said process or attempt to obtain an order by trick and strategem, the Courts would be justified in imposing the costs for igniting such vexatious litigation. In our view, the cost imposed by the High Court in a sum of Rs.20,000/- is meagre, which deserves to be increased to Rs.50,000/-, as the petitioner has proceeded to pursue his vexatious claim even before this Court. Said costs shall be deposited before the Uttar Pradesh State Legal Services Authority, Allahabad.”

Therefore the learned counsel for the seventh respondent would pray for the writ petition being dismissed with exemplary costs.



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9. It is true that writ petitioner has not disclosed the earlier writ petitions, which have a definite bearing on the present case. As already referred herein above, the petitioner ought to have disclosed the factum of the earlier writ petitions having been filed and disposed. In fact, the writ petitioner was granted six months time by the Hon'ble Division Bench of this Court, to make alternate arrangements and vacate. Even at that point of time, the Division Bench was aware of the request of the writ petitioner by way of representation dated 22.07.2024 for reclassification of lands in survey Nos.240/1 and 240/2, but did not grant any relief in that regard. It can only be taken that the Hon'ble Division Bench negatived the said request. Therefore, it is not open to the petitioner to maintain the present writ petition. In any event, petitioner has also not approached the Court with clean hands. I am not inclined to entertain the present writ petition. Hence, this Writ Petition is dismissed. However, considering the facts of the present case, there shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
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To

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3. The District Collector,
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5. The Revenue Divisional Officer,
Illupur Revenue Division,

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P.B. BALAJI, J.

LS

Order made in
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Dated:
21.04.2025