



W.A.(MD)No.1473 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.1473 of 2021
and
C.M.P.(MD)No.6039 of 2021**

1.M.Sanjeevinathan (Died)

2.S.Udayakumar

3.Theivanai ... Appellants
*(Appellants 2 & 3 the legal heirs of the sole
appellant are substituted vide order dated
03.03.2025 in C.M.P.(MD)No.3541 of 2025 in
W.A.(MD)No.1473 of 2021 by GRSJ & MJRJ)*

Vs.

1.The District Collector,
Sivagangai District.

2.The District Forest Officer,
Sivagangai District,
Sivagangai.

3.The Forest Settlement Officer,
Sivagangai,
Sivagangai District.



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4.The Tahsildar,
Singampunari Taluk,
Singampunari,
Sivagangai District.

5.Chidambara Pandian

6.Indira

7.Selvi ... Respondents

*(Respondents 5 to 7 the legal heirs of the sole
appellant are substituted vide order dated
03.03.2025 in C.M.P.(MD)No.3541 of 2025 in
W.A.(MD)No.1473 of 2021 by GRSJ & MJRJ)*

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 23-02-2021 in W.P(MD).No.3421 of 2021 on the file of this Court.

For Appellants : Mr.A.V.Arun

For Respondents : Mr.S.R.A.Ramachandran,
Addl. Government Pleader for R1 to R4.

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

The appellant herein filed W.P.(MD)No.3421 of 2021 to restrain the respondents herein from dispossessing him from the petition mentioned lands. He also wanted the Court to direct the respondents to



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issue him patta. The learned Single Judge vide order dated 23.02.2021 dismissed the writ petition. The writ petitioner claimed relief on the strength of the decree made in O.S.No.39 of 1999 on the file of the District Munsif Court, Thiruppattur on 25.03.1999. Yet the learned Single Judge was not swayed by the said fact. Paragraph Nos.3 to 5 of the order passed the learned Single Judge read as follows:-

“3.After the conclusion of the trial, the District Munsif Court decreed the suit in favour of the petitioner on 03.01.2001. According to the petitioner, the suit was filed for declaration and such declaration having been granted, the land in question vest with the petitioner being a rightful owner.

4.However, the grievance of the petitioner is that the Forest Department is still laying claim on the property belonging to the petitioner and therefore, a mandamus is being sought in this Writ Petition restraining the respondents from dispossessing and for consequential direction to issue patta in favour of the petitioner. From the averments as contained in the affidavit filed in support of the Writ Petition, this Court is unable to understand what is the right of the petitioner over the subject land except a reference to Civil Court decree and how and what basis he can claim himself to the owner of the land. Nothing has been disclosed in the affidavit and moreover, what



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is a cause of action for the petitioner to approach this Court at this point of time is not at all explained.

5.The averments appear to be bald and sketchy and even otherwise, in case the petitioner is the rightful owner of the property in terms of the some civil court decree mentioned by him in the affidavit, it is always open to him to workout his remedies in pursuance of the decree passed by the Civil Court. At the same time, it is not open to the petitioner to approach this Court and seek issue of mandamus as if this Court is an execution Court of subordinate Civil Court. In fact, this Court is not able to make out any legal grievance from the affidavit for this Court to issue any direction and it is also not to this Court to grant any relief to the petitioner on the basis of selfserving averments of the petitioner. Therefore, the remedy open to the petitioner is elsewhere and not before the Writ Court. In that view of the matter, this Court is of the considered view that this Writ Petition is not maintainable.”

2.Before us, the learned Additional Government Pleader submitted that vide G.O.(Ms)No.145, Environment and Forest Department, dated 11.05.1993, the petition mentioned land comprised in S.No.141/4 in D.Mampatti Village, Thiruppattur Taluk had been notified as a reserve forest. He further pointed out that in the civil suit filed by the writ



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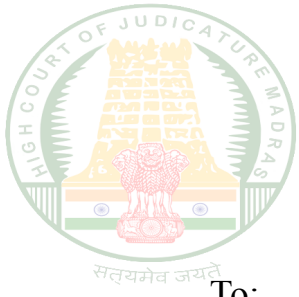
petitioner, the Forest Settlement Officer alone was shown as the defendant and the forest department was not shown as the defendant.

The learned Additional Government Pleader questions the very validity of the decree passed by the Civil Court. According to him, the decree is a nullity.

3.We do not want to go into these aspects. If the appellant claims title on the strength of the decree given by the jurisdictional Civil Court, it is for him to enforce the same in the manner known to law. We are of the view that the learned Single Judge rightly declined to interfere in the matter. We do not find any merit in this writ appeal and it stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (M.J.R. J.)
18.03.2025**

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