



W.P.(MD)No.24448 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.24448 of 2024

and

W.M.P(MD)No.20779 of 2024

and

W.M.P(MD)No.3007 of 2025

G.Dhanasekaran

.... Petitioner

/Vs./

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

4.Mr.Rajamonoharan

5.The Tahsildhar,

6.S.Boomidhasan

(R6 is impleaded vide Court
Order dated 22.01.2025)

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings passed by the third respondent in Na.Ka.No.A6/8571/2024 dated 03.10.2024 quash the same as illegal, arbitrary, malafied and violation of principles of natural justice.

For Petitioner	: Mr.J.Barathan
For R1 to R3	: Mrs.K.Malathi
& R5	Additional Government Pleader
For R4	: No appearance
For R6	: Mr.S.Ramasamy

ORDER

The petitioner has filed the present writ petition challenging the impugned order passed by the Revenue Divisional Officer holding that the subject lands are classified as 'burial grounds'.

2. I have heard Mr.J.Barathan, learned counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents 1 to 3 & 5.

3. The learned counsel for the petitioner would invite my attention to my order dated 12.02.2025 in W.P(MD)No.24100 of 2017 where the



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vendors of the petitioner had approached this Court by way of the said writ petition challenging an enquiry notice issued to them. Considering the fact that there was a decree passed by the competent Civil Court in which the State was a party and the same had attained finality, it is not open to the revenue authorities to initiate fresh round of proceedings, I quashed the enquiry notice. The copy of the order dated 12.02.2025 is also brought to my attention. In the present case, the petitioner is none other than the purchaser from the petitioners 2 to 4 in W.P(MD)No.24100 of 2017. Even in the present proceedings, the petitioner has brought to the notice of the Revenue Divisional Officer that the Civil Suit has ended in favour of the petitioner's vendor and the judgment and decree has also become final. However, despite referring to the same, the Revenue Divisional Officer has not taken note on effect of the said decree of the Civil Court, the Revenue Divisional Officer has proceeded to pass the impugned order. The same is clearly unsustainable in law and when the decree is binding on the respondents, it is not open to them to reopen the proceedings and classify the lands as Mayaanam lands.



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4. For the above reasons and also in view the earlier order passed by me in W.P(MD)No.24100 of 2017, dated 12.02.2025 the petitioner is entitled to relying. The writ petition is allowed and the impugned order of the third respondent in Na.Ka.No.A6/8571/2024 dated 03.10.2024 is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

NCC : Yes / No

am

26.02.2025

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.24448 of 2024

Dated:
26.02.2025