
(2010) 09 MAD CK 0103

In the Madras High Court

Case No : Writ Petition (MD) No. 911 of 2010 and M.P. (MD) No. 2 of 2010

L.P.R. Thiruvengadaperumal and T.R. Das

APPELLANT

Vs

The District Collector and Others

RESPONDENT

Date of Decision : 23-09-2010

Acts Referred:

Citation : (2010) 09 MAD CK 0103

Hon'ble Judges : S. Nagamuthu, J;P. Jyothimani, J

Bench : Division Bench

Advocate : G.R. Swaminathan, for the Appellant; V. Rajasekaran, Spl. Govt. Pleader for Respondents 1 and 2, C. Sundaravadivel, for Respondents 3 to 6 and Kannan, for 7th Respondent, for the Respondent

Final Decision : Dismissed

Judgement

P. Jyothimani, J.—The writ Petitioners claiming themselves to be the ayacutdars have filed the present Writ Petition as Public Interest

Litigation for a direction against the Respondents 1 and 2 to ensure the present character of Meera Sahib Kulam in S. No. 158 and 159 in

Puthanatham Panchayat, Edayapatti Village, Manapparai Taluk, Tiruchirapalli District in an extent of 6 acres and 10 cents.

2. At the first instance, even assuming that the Petitioner is affected by any patta alleged to have been issued to Respondents 3 to 7 in respect of

Survey Nos. 158 and 159 in Puthanatham Panchayat, admittedly, the Petitioners have not raised any objection or made necessary representation

for the purpose of cancellation of such patta.

3. On the other hand, as it is seen in the counter affidavit filed by the third Respondent, Survey No. 158 is remained as Tank Poramboke and that

has not been touched by any one and no patta has been issued to any body. It is

also ascertained by the learned Special Government Pleader

appearing for Respondents 1 and 2. In respect of Survey No. 159, that has been divided into 3 parts and it is a private property in respect of

which Respondents 3 to 7 have been issued patta as early as in the year 1927 and they have been in continuous possession of the property by

having patta transferred in their name.

4. In such circumstance, the Writ Petition is an abuse of process of law. There is no public interest involved this litigation. The Writ Petition is liable

to be dismissed. Accordingly, the Writ Petition is dismissed. Connected Miscellaneous Petition is closed. No costs.