

(2016) 01 MAD CK 0202

In the Madras High Court

Case No : Contempt Petition No. 935 of 2015, Review Application Nos. 192, 197, 210 of 2015 and M.P. Nos. 1, 2 of 2015

P. Venkata Rao and Others

APPELLANT

Vs

Venkatesan and Others

RESPONDENT

Date of Decision : 19-01-2016

Acts Referred:

Citation : (2016) 3 CTC 356 : (2016) 1 MLJ 736

Hon'ble Judges : B. Rajendran, J.

Bench : Single Bench

Advocate : R. Krishnamoorthy, Senior Advocate for P. Subba Reddy, for the Appellant; P.H. Aravindh Pandian, Additional Advocate General for P. Kavitha, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

B. Rajendran, J.—1. The contempt petition No. 935 of 2015 has been filed by the writ petitioner in WP No. 11859 of 2014 complaining non-compliance of the order dated 25.04.2014 passed by this Court in WP No. 11859 of 2014 by the sole respondent therein and to initiate contempt proceedings thereof. Review application Nos. 197 and 210 of 2015 have been filed by third parties to WP No. 11859 of 2014 seeking to review the order dated 25.04.2014 passed by this Court in WP No. 11859 of 2014. Review Application No. 192 of 2015 has been filed by the respondents in WP No. 11859 of 2014. Thus, the issues arise for consideration in all these cases are identical, similar and inter-connected with each other. The learned counsel on either side have advanced common arguments in all these cases. Therefore, by consent of counsel on either side, the contempt petition, the review applications and also the main writ petition are taken up together and are disposed of by this common order.

2. For the sake of convenience, Mr. P. Venkata Rao, the contempt petitioner, shall hereinafter be referred to as "petitioner" and the review applicants shall be referred to as such as "review applicants".

3. The petitioner has filed WP No. 11859 of 2014 praying for a Writ of Mandamus directing the first respondent therein namely the Secretary to Government of Tamil Nadu, Revenue Department, Fort St. George, Chennai to consider the representations dated 24.04.2010 and 04.10.2012 submitted by him and to pass orders thereon on merits after affording him an opportunity of hearing. The said writ petition was disposed of by this Court on 28.04.2014 directing the first respondent in the writ petition to consider the representation of the petitioner referred to above and to pass orders thereof on merits and in accordance with law. Complaining that the order dated 28.04.2014 has not been complied with by the first respondent, as directed by this Court, the petitioner has filed the contempt petition No. 935 of 2015 to initiate appropriate contempt proceedings against the respondent therein for non-compliance of the said order dated 28.04.2014.

4. The review applicants in Review Application Nos. 197 and 210 of 2015 have initially filed applications for condonation of the delay in filing the review applications and also to grant leave to them inasmuch as they were not parties to the writ petition. This Court condoned the delay in filing the review applications and also granted leave to them to file the review applications. Accordingly, both Review Application Nos. 197 and 210 of 2015 have been entertained by this Court. As far as Review Application No. 192 of 2015 is concerned, the Government/respondent in the writ petition, has come forward with the application to review the order dated 25.04.2014.

Review Application No. 192 of 2015

5. This review application has been filed by the Government of Tamil Nadu represented by its Secretary, Revenue Department as well as the District Collector of Thiruvallur District. They are the respondents in WP No. 11859 of 2014 filed by the petitioner. According to the review applicants, Padiyanallur Estate/Village in Ponneri Taluk, Thiruvallur District was taken over by the Government under the provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act (Tamil Nadu Act XXVI of 1948) on 03.01.1951 and Ryotwari settlement was introduced during 1958 corresponding to fasli year 1368. During the introduction of ryotwari settlement, the lands comprised in Survey Nos. 155/2 and 156 were classified as "Central Government Poramboke" and the government is the paramount title holder of the above said lands. These lands were not cultivated by any one. As per the Rules framed under the Act, if any one is aggrieved against the above classification, an appeal has to be preferred within 30 days from the date of order classifying the lands after completion of final settlement enquiry. The Rules were amended from time to time to enable the aggrieved persons to prefer appeal till 19.08.1987 and after that no appeal has been entertained by the settlement authorities. According to the review applicants, Section 12 of the Act, which deals with grant of patta to landholders based on certain criteria. As per Section 15(1) of the Act, the Settlement Officer is competent to examine and decide in respect of the claims

made under Section 12 of the Act. The petitioner herein claimed ryotwari patta as has been contemplated under Section 12, belatedly. Further, as per Section 15(2)(a) of the Act, any person aggrieved by such decision has to prefer an appeal within two months. As per Section 15(2)(b) of the Act, the decision of the Tribunal will be final and it cannot be questioned in any Court of Law. In this case, the petitioner has not filed any appeal within the stipulated time and the order of classification has become final as per Section 64(C)(1) of the Act and as per Section 64(C)(2) of the Act, the order, if any, passed by the Tribunal will be final and it cannot be questioned before any Court of Law.

6. It is further contended on behalf of the Review Applicants that the Government of Tamil Nadu handed over the above lands to Overseas Communication Service, Ministry of Communication, Government of India even during 1951. After 20 years, the Government of India transferred all the assets and liabilities of the above organisation to Videsh Sanchar Nigam Limited (in short VSNL), a wholly owned Government of India enterprises. In the year 2002, in pursuance of disinvestment policy of the Government of India, VSNL merged with Tata Communications Limited. Therefore, the District Revenue Officer, Ponneri directed the Tahsildar, Ponneri to retain the classification of the land as such and enter the name of the present owner of the land viz., Tata Communications Limited in the remarks column of the revenue records by a proceedings dated 06.06.2011. As against the same, Tata Communication Limited has filed WP No. 23739 of 2014 and this Court, by order dated 23.09.2014 in MP No. 2 of 2014 in WP No. 23739 of 2014 granted interim stay. It is also brought to the notice of this Court that VSNL Employees Cooperative Housing Society has also filed WP No. 23740 of 2014 against the above order dated 06.06.2011 and this Court granted interim stay on 23.09.2014 in MP No. 2 of 2014 in WP No. 23740 of 2014.

7. It is further stated by the review applicants that earlier, the petitioner and 10 others have filed WP No. 9004 of 2013 before this Court to quash the order of the Commissioner of Land Administration dated 28.02.2013, by which the Commissioner of Land Administration declined to entertain the application of the petitioners therein for grant of patta as it was filed after lapse of 60 years. This Court, taking note of the above position, has dismissed the writ petition No. 9004 of 2013 on 24.09.2014. Challenging the order dated 24.09.2014, Writ Appeal No. 96 of 2015 was filed and it is pending. In the above circumstances, it is contended by the review applicants that the order dated 25.04.2014 passed by this Court in WP No. 11859 of 2014 directing the first respondent/first review applicant herein to consider the representation dated 24.04.2010 and 04.10.2012 of the petitioner has to be reviewed especially when the petitioner has suppressed many material facts relating to filing of the earlier cases before this Court in the writ petition No. 11859 of 2014 filed by him. It is also stated that as per Section 12 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act the review applicants have no jurisdiction to decide the claim made by the petitioner as it is highly belated.

8. The Review Applicants would mainly contend that the order dated 25.04.2014 passed in WP No. 11859 of 2014 at the instance of the petitioner has to be recalled and the writ petition has to be dismissed in limine inasmuch as the petitioner has suppressed many material particulars in the affidavit filed in support of the writ petition. According to the review applicants, the review applicant is a company incorporated under the Companies Act. Earlier, the review application was a Department of Government of India, Ministry of Communications called the Overseas Communication Services and was handling the external communications of the Country. While so, the Government of Madras, by a Memorandum dated 29.03.1954 transferred lands measuring an extent of 85-94 acres in Survey Nos. 8/2 and 9 of Padaiyanallur Village, Ponneri Taluk, Chengalpet District to the Overseas Communication Service, for a consideration of Rs. 17,726-14 paise and 0 paise. From that date, the review applicant is in continuous possession of the lands in question. Subsequently, the Department of Overseas Communications Limited was transferred by the Government of India and converted it into a fully owned Government of India Enterprises called Videsh Sanchar Nigam Limited from 01.04.1986. The assets of the company, including the lands at Padaiyanallur were transferred to VSNL. Thereafter, pursuant to the disinvestment policy of the Government of India, with effect from 13.02.2002, the review applicant became part of Tata Group and was re-named as Tata Communications Limited from 28.01.2008. While the facts are so as stated above, the petitioner has filed a suit in O.S. No. 35 of 1998 against VSNL before the District Munsif Court, Ponneri for a bare injunction and it was dismissed on 11.02.2011. As against the same, the petitioner has filed Appeal Suit No. 70 of 2011 on the file of the Sub Court, Ponneri and it is pending. Simultaneously, another set of people claiming to be the descendants of the Zamindars of Padayanallur namely Sundaram and others have filed WP No. 9004 of 2003 and it was dismissed by this Court on 24.09.2014. As against the same, W.A. No. 96 of 2015 has been filed and it is pending. The petitioner also, through his power of agent preferred a review petition for cancellation of the patta granted in favour of the review application and it was ordered on 06.06.2011 by which the patta granted to the review application was cancelled by the District Revenue Officer, Ponneri. Challenging the same, the review applicant has filed WP No. 23739 of 2014 in which interim stay was granted and the writ petition is pending. According to the review applicants, the petitioner is fully aware of all the earlier cases filed by him and the orders passed thereon, however, conveniently, he has omitted to indicate it in the affidavit filed in support of the writ petition in WP No. 11859 of 2014 and obtained the order dated 25.04.2014 behind the back of the review applicant. The petitioner ought to have impleaded the review applicant as a party to WP No. 11859 of 2014, however, wantonly, the review applicant was omitted to be included as a party to the writ petition. Therefore, for having suppressed the material particulars leading to the dispute raised in the WP No. 11859 of 2014, the order dated 25.04.2014 passed thereon

has to be recalled by allowing the review application.

Review Application No. 210 of 2015

9. Videsh Sanchar Nigam Employees Cooperative Housing Society, represented by its President has come forward with this Review Application mainly contending that the review application is a registered society registered under the provisions of Tamil Nadu Cooperative Societies Act, 1961 on 10.03.1986. As per the policy decision taken by the Government of India, VSNL was disinvested with effect from 13.02.2002 and named as Tata Communications Limited. By an order dated 19.01.1995, the Government of India accorded administrative sanction for putting up building construction - staff quarters to accommodate the employees of VSNL and part of the lands situate at Padiyanallur Village was ordered to be allotted in favour of the review applicant society. At this stage, the petitioner filed O.S. No. 35 of 1996 on the file of District Munsif, Ponneri claiming ownership over the land alleging that he was an erstwhile Zamindari and has right over the lands in question. In the said suit, an ex-parte injunction was granted against which the review applicant filed CRP No. 521 of 1999 before this Court. By an order dated 18.02.1999 passed by this Court, the ex-parte order of interim injunction was suspended and the matter was remanded back to the trial court to hear both sides and to pass appropriate orders thereon. After remand, I.A. No. 142 of 1998 filed by the petitioner seeking interim injunction was dismissed against which petitioner has filed CMA Nos. 13 and 14 of 2014 before the Sub Court and they were also dismissed on 08.11.2000. It is contended that the property in question is in possession of the review applicant and their possession got to be protected. It is also brought to the notice of this Court that the review applicant has filed WP No. 12002 of 2006 before the Delhi High Court and by order dated 17.05.2007, the Delhi High Court disposed of the writ petition with a direction to VSNL to complete the formalities relating to transfer of the land to the review applicant society within two months. Subsequently, a clarification petition was filed before the Delhi High Court relating to quantum of sale consideration. By an order dated 18.07.2007, it was ordered that the sale price has to be fixed as per the market value as on 29.06.1998 with 9% simple interest. As against the same, Union of India filed LPA No. 1252 of 2007 before the Division Bench of the Delhi High Court and it was dismissed on 29.04.2008 confirming the order passed in WP No. 12002 of 2006. Pending the above proceedings, the suit filed by the petitioner in OS No. 35 of 1996 was dismissed on 11.02.2011 against which A.S. No. 70 of 2011 has been filed and it is pending.

10. According to the review applicant in Review Application No. 210 of 2015, the petitioner has willfully and wantonly suppressed the material facts relating to the earlier litigation in the affidavit filed in support of the writ petition. The petitioner ought to have impleaded the review applicant society as a party to WP No. 11859 of 2014 and non-impleading of the review applicant as a respondent in WP No. 11859 of 2014 has seriously affected the right of the review applicant to assert a right over the lands in question. The order dated 25.04.2014 passed in WP No.

11859 of 2014 therefore requires to be recalled and the writ petition in WP No. 11859 of 2014 has to be dismissed in limine.

11. Mr. Aravindh Pandian, learned Additional Advocate General appearing for the review applicants in Review Application No. 192 of 2015 would vehemently contend that the petitioner is guilty of suppression of material particulars. The prayer sought for in WP No. 11859 of 2014 is innocuous. The direction issued by this Court in WP No. 11859 of 2014 on 25.04.2014 is not feasible of compliance inasmuch as the claim made by the petitioner has been agitated and adjudicated upon by this Court in the earlier writ petitions filed by him. The learned Additional Advocate General, relying upon the counter filed in WA No. 96 of 2015 would contend that even a suo motu powers of revision cannot be exercised at this distant point of time because (i) the lands in question vest with the State Government (ii) the lands got transferred to the Central Government (iii) subsequently, the lands vested with VSNL and (iv) subsequently, part of the lands got vested with Tata Communications Limited and the balance lands were allotted in favour of the employees of the Cooperative Society of VSNL. Therefore, according to the learned Additional Advocate General, even suo motu powers of revision cannot be exercised by the Government as any such exercise would unsettle the settled claims. At any rate, the claim made by the petitioner in the representation dated 24.04.2010 and 04.10.2012 is highly belated and therefore also, the order dated 25.04.2014 in WP No. 11859 of 2014 cannot be complied with and he prayed for allowing Review Application No. 192 of 2015.

12. As regards the Contempt Petition No. 935 of 2015 filed by the petitioner, the learned Additional Advocate General would submit that the original files relating to the claim of the petitioner did not contain the representations dated 24.04.2010 and 04.10.2012 said to have been submitted by him. At any rate, as against the order dated 25.04.2014 in WP No. 11859 of 2014, the Government has filed the review application No. 192 of 2015. There is no willful or wanton disobedience on the part of the review applicants in Review Application No. 192 of 2015 to disobey the order passed by this Court. Therefore, the learned Additional Advocate General would pray for dismissal of the Contempt Petition No. 935 of 2015.

13. Mr. G. Masilamani, learned Senior counsel appearing for Review Applicant in Review Application No. 197 of 2015 would vehemently contend that the petitioner has suppressed many material facts and has approached this Court with unclean hands. The petitioner ought to have impleaded the review applicant, who is a proper and necessary party, for adjudication of WP No. 11859 of 2014. The learned Senior counsel brought to the notice of this Court the counter affidavit filed by the review applicant in WP No. 9004 of 2013 as well as the grounds of Writ Appeal in W.A. No. 96 of 2015. By relying on the counter affidavit filed in WP No. 9004 of 2013, the learned Senior counsel for the review applicant would contend that the petitioner is fully aware of the filing of WP No. 23739 of 2014 by the review applicant challenging the order passed by the

District Revenue Officer on 06.06.2011. The order dated 06.06.2011 came to be passed by the District Revenue Officer, Ponneri at the instance of the petitioner herein. While so, the petitioner ought to have filed WP No. 11859 of 2014 by impleading the review applicant herein. Further, in the suit in O.S. No. 35 of 1998, the review applicant was impleaded as a party. The suit was dismissed for default on 11.02.2011 against which A.S. No. 70 of 2011 has been filed and it is pending on the file of the Subordinate Judge, Ponneri. During the pendency of the Appeal suit, the petitioner has filed the present WP No. 11859 of 2014 without impleading the review applicant as a party to the writ petition.

14. The learned Senior counsel for the Review Application No. 197 of 2015 also brought to the notice of this Court that after disposal of WP No. 11859 of 2014 filed by the petitioner on 25.04.2014, which is the subject matter of this review application, the petitioner has also filed another WP No. 16308 of 2015 through his power of attorney Mr. A.K.K. Elangovan. In WP No. 16308 of 2015, the petitioner prayed for a similar relief to direct the District Collector, Thiruvallur to consider the representation dated 04.04.2013 and 04.06.2014 to cancel the entry in the revenue records as "Central Government Poramboke" in respect of the lands in Survey No. 155/2 and 156 in Padiyanallur Village and to issue patta in his favour. Even in the said writ petition, the petitioner has not brought forth the material particulars relating to the suit and appeal suit. This Honourable Court, by an order dated 11.06.2015 in WP No. 16308 of 2015 held that the direction as sought for cannot be granted and dismissed the writ petition. As against the same, W.A. No. 1042 of 2015 has been filed before this Court and it was dismissed as withdrawn on 04.08.2015.

15. The learned Senior counsel for the Review Applicant in Review Application No. 197 of 2015 would mainly contend that the Government of Madras vide memorandum dated 29.03.1954 transferred the lands measuring an extent of 85-94 acres of land in Survey Nos. 8/2 and 9 of Padaiyanallur Village, Ponneri Taluk, Chengalpet District to the review applicant and from that date, the review applicant is in exclusive possession of the lands. This memorandum dated 29.03.1954 has not been questioned or challenged by the petitioner till date. While so, the WP No. 11859 of 2014 filed by the petitioner itself is not maintainable. Even in WP No. 11859 of 2014, the petitioner only sought for a Mandamus to dispose of the representation said to have submitted by him to the Government. The said relief granted in favour of the petitioner in WP No. 11859 of 2014 will only lead to multiplicity of proceedings and therefore, the order dated 25.04.2014 passed in WP No. 11859 of 2014 has to be reviewed.

16. The learned Senior counsel for the Review Applicant in Review Application No. 197 of 2015 would further contend that the review applicant is a proper and necessary party to WP No. 11859 of 2014, however, they were not impleaded in the writ petition for the reasons best known to the petitioner. The petitioner has invented an ingenious method and filed WP No. 11859 of 2014 with an innocuous prayer without impleading the review applicant with an intention to achieve

something indirectly which he could not achieve directly. Thus, it is clear that the petitioner is guilty of suppression of material particulars in WP No. 11859 of 2014 and he is not entitled for any relief from this Court. When there is willful suppression of facts, that itself will disentitle the petitioner to get any relief. Therefore, according to the learned Senior counsel this is a fittest case where this Court has to invoke the powers of review to recall the order dated 25.04.2014 in WP No. 11859 of 2014 and the writ petition in WP No. 11859 of 2014 has to be dismissed in limine.

17. The learned counsel appearing for Review Application No. 210 of 2015 would only contend that the review applicant is proper and necessary party and they ought to have been impleaded in WP No. 11859 of 2014. Conveniently, the petitioner failed to implead them as party to the writ petition and obtained the order dated 25.04.2014 behind their back. The petitioner is guilty of suppression of the earlier proceedings. The petitioner has come forward with WP No. 11859 of 2014 with an innocuous prayer without impleading the proper and necessary parties. In such circumstances, the learned counsel for Review Application No. 210 of 2015 prayed for recalling the order dated 25.04.2014 in WP No. 11859 of 2014 and to dismiss the writ petition as devoid of merits.

18. Even though counter has not been filed in the Review Applications, Mr. R. Krishnamoorthy, learned senior counsel appearing for the petitioner would vehemently contend that the petitioner has not suppressed material particulars, as alleged. Having regard to the nature and scope of the writ petition, the petitioner did not implead the Review Applicants in Review Application Nos. 197 and 210 of 2015 in WP No. 11859 of 2014. The non-impleading of Review Application Nos. 197 and 210 of 2015 in WP No. 11859 of 2014 is not intentional and they are not proper and necessary parties to the writ petition. According to the learned senior counsel for the petitioner, the land in question was not transferred in the name of VSNL. There are lands in excess even after the alleged transfer to VSNL and the Government failed to consider transferring the same in favour of the petitioner who is the descendant of the erstwhile Zamindari. According to the learned Senior counsel for the petitioner, under any of the provisions of the Act and Rules, there was any classification of the land called "Central Government Poramboke" and such classification is unheard of. Before the introduction of Survey and Ryotwari settlement in Padiyanallur Village, only pimash numbers were used to identify the lands and survey number was never used. Therefore, the contention of the review applicants that the lands were classified as "Central Government Poramboke" is without any basis and it is against the provisions of Act XXVI of 1948. At any rate, the subject matter of the lands were never vested with Tata Communications Limited or the lands were never transferred to them by following the procedure contemplated under law in a proper manner. Further, during the enquiry conducted by the District Revenue Officer, Ponneri, the petitioner has produced all the documents to prove his title to the lands in question and after subjective satisfaction of all the documents, the District Revenue Officer has cancelled the patta issued in favour of the

Review Applicant in Review Application No. 197 of 2015. The petitioner is now made to fight to get back his legitimate lands from the land sharks. Even as per the proceedings of the District Revenue Officer, Ponneri, sufficient opportunity has been given to the Review Applicant in Review Application No. 197 of 2015. Further, as per the order dated 25.04.2014 in WP No. 11859 of 2014, before considering the representation of the petitioner, the Government would have called for remarks or issued notice to the review applicants in Review Application No. 197 and 210 of 2015 and thereafter passed final order in the representation dated 25.04.2014 of the petitioner. Therefore also, they need not be included as a party to the writ petition No. 11859 of 2014. Therefore, according to the learned senior counsel for the petitioner, the review applications have been filed to drag on the proceedings and to deprive the valuable rights of the petitioner. Therefore, the learned counsel for the petitioner seeks for dismissal of all the review applications and to direct the official respondents to adhere to the directions issued on 25.04.2014 in WP No. 11859 of 2014 by passing an order on the representations submitted by the petitioner.

19. It is also contended that the writ petition filed by the society before the Delhi High Court in WP No. 12002 of 2006 and the order dated 17.05.2007 passed thereon or per se without jurisdiction and it will not bind the petitioner in any manner. In that writ petition in WP No. 12002 of 2006, the petitioner was not impleaded as a party.

20. As regards the contempt petition, the learned senior counsel for the petitioner would contend that the representations dated 24.04.2010 and 04.10.2012 have been sent by registered post and they were received and acknowledged by the respondents in the contempt petition. On receipt of the representation dated 24.04.2010, it was forwarded by the first respondent in the contempt petition to the second respondent on 06.05.2010 and called for a report. On the basis of the same, the second respondent in the contempt petition in turn sought for a report from the Tahsildar, Ponneri. Therefore, it cannot be contended that the petitioner has never sent the representations dated 24.04.2010 and 04.10.2012. The respondents in the contempt petition have failed and neglected to comply with the order passed on 25.04.2014 in WP No. 11859 of 2014. The respondents in the contempt petition are guilty of non-compliance of the order passed by this Court for which contempt proceedings has to be initiated against them.

21. I heard the learned counsel on either side and carefully examined the materials placed on record. The issue arise for consideration in the review applications is whether the order dated 25.04.2014 passed by this Court in WP No. 11859 of 2014 filed by the petitioner has to be reviewed and recalled on the ground that the petitioner has suppressed the material particulars in the affidavit filed in support of the writ petition No. 11859 of 2014.

22. The learned senior counsel appearing for the petitioner as well as the learned Senior counsel appearing for the review application No. 197 of 2015 have taken

me to the various provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act (Tamil Nadu Act XXVI of 1948) to strengthen their respective contentions. However, having regard to the nature and scope of the review applications, this Court is not proceeding to deal with those contentions.

23. At the outset, it has to be considered whether the review applicants in Review Application Nos. 197 and 210 of 2015 are proper and necessary party to WP No. 11859 of 2014 filed by the petitioner herein. Before dealing with this question, it would be proper and necessary to consider the prayer in WP No. 11859 of 2014 filed by the petitioner and it reads as follows:-

"To issue a Writ of Mandamus directing the first respondent to consider the representations of the petitioner dated 24.04.2010 and 04.10.2012 on merits and pass orders after affording opportunity of personal hearing to the petitioner within a timeframe."

24. It is also relevant now to look into the representation dated 04.10.2012 submitted by the petitioner, the operative portion of it reads as follows:-

"In the light of the above, petitioner prays this Hon'ble Government that the Revenue Department Memorandum No. 47800 C/52-14 dated 29.03.1954 in favour of Overseas Communication Services be cancelled and the Assistant Settlement Officer (North) may be directed to enquire as per the provisions of Act XXVI of 1948 with a direction to issue patta to the petitioner and oblige."

25. It is evident that in the representation dated 04.10.2012, the petitioner prays for cancellation of the Memorandum dated 29.03.1954 issued in favour of Overseas Communication Services i.e., VSNL. Even according to the petitioner, by virtue of the Memorandum dated 29.03.1954, the lands stood transferred or vested with Overseas Communication Services. Admittedly, the petitioner has not challenged the Memorandum dated 29.03.1954 till date. While so, the petitioner ought to have impleaded VSNL as well as Tata Communications Limited as a party to the writ petition No. 11859 of 2014 to have an effective adjudication of the lis. As rightly pointed out by the Review Applicants, the prayer sought for by the petitioner is innocuous and it has been sought for to indirectly achieve something which could not be achieved directly. Therefore, I find force in the submission of the learned Senior counsel for the review applicant in Review Application No. 197 of 2015 that they are proper and necessary parties for adjudication of WP No. 11859 of 2014 filed by the petitioner, however, wantonly, they were not impleaded in the writ petition.

26. As rightly pointed out by the learned Additional Advocate General, even a suo motu power of revision cannot be exercised at this distant point of time by the Government especially when the lands in question were already vest with the State Government and they were transferred to the Central Government. Subsequently, part of those lands were re-transferred and vested with Tata Communications Limited and the balance lands were allotted in favour of the employees of the Cooperative Society of VSNL. In those situation, it has to be

stated that much water has flown under the bridge and the petitioner is estopped from filing the WP No. 11859 of 2014 with an innocuous prayer to consider his representation.

27. In this context, it will be useful to refer to the decision rendered by the Division Bench of this Court, in which I was also a party, in the case of (M. Ingaci vs. The Commissioner, Devakottai Municipality, Sivagangai District) , 2010 2 Law Weekly 785, wherein the Division Bench of this Court held that there are several instances where unscrupulous petitioners have misused the direction issued to "consider". It was further held that there are large-scale misuse of the orders "to consider". The Division Bench also relied on para Nos. 18 to 210 of the decision of the Honourable Supreme Court reported in the case of A.P. SRTC vs. G. Srinivas Reddy , (2006) 3 SCC 674 : 2006, 3 Law Weekly 170, wherein in Para Nos. 18 to 20, it was held as under:-

"18. We may also note that sometimes the High Court dispose of the matter merely with a direction to the authority to "consider" the matter without examining the issue raised even though the facts necessary to decide the correctness of the order are available. Neither pressure of work nor the complexity of the issue can be a reason for the court to avoid deciding the issue which requires to be decided, and disposing of the matter with a direction to "consider" the matter afresh. Be that as it may.

19. There are also several instances where unscrupulous petitioners with the connivance of "pliable" authorities have misused the direction "to consider" issued by Court. We may illustrate by an example. A claim, which is stale, time-barred or untenable, is put forth in the form of a representation. On the ground that the authority has not disposed of the representation within a reasonable time, the person making the representation approaches the High Court with an innocuous prayer to direct the authority to "consider" and dispose of the representation. When the court disposes of the petition with a direction to "consider", the authority grants the relief, taking shelter under the order of the court directing him to "consider" the grant of relief. Instances are also not wanting where authorities unfamiliar with the process and practice relating to writ proceedings and the nuances of judicial review, have interpreted or understood the order "to consider" as directing grant of relief sought in the representation and consequently granting reliefs which otherwise could not have been granted. Thus, action of the authorities granting undeserving relief, in pursuance of orders to "consider" may be on account of ignorance, or on account of bona fide belief that they should grant relief in view of the court's direction "to consider" the claim, or on account of collusion/connivance between the person making the representation and the authority deciding it. Representations of daily-wagers seeking regularization/absorption in to regular service is a species of cases, where there has been large-scale misuse of the orders "to consider".

20. Therefore, while disposing of the writ petition with a direction "to consider",

there is a need for the High Court to make the direction clear and specific. The order should clearly indicate whether the High Court is recording any finding about the entitlement of the petitioner to the relief or whether the petition is being disposed of without examining the claim on merits. The court should also normally fix a time-frame for consideration and decision. If no time frame is fixed and if the authority does not decide the matter, the direction of the court becomes virtually infructuous as the aggrieved petitioner will have to come again to court with a fresh writ petition or file an application for fixing time for deciding the matter."

28. Thus, it is evident from the decision of the Honourable Supreme Court that mere direction to consider one's representation will result in adverse consequences and it will give rise to renewing a stale, untenable or dead claim.

29. As rightly pointed out by the learned Senior counsel for the review application No. 197 of 2015, earlier, the petitioner has filed O.S. No. 35 of 1998 before the District Munsif Court, Ponneri for a bare injunction against VSNL and others. Pending suit, an ex-parte injunction was granted by the trial Court against which the defendant therein filed CRP No. 521 of 1999 before this Court. By an order dated 18.02.1999 passed by this Court, the ex-parte order of interim injunction was suspended and the matter was remanded back to the trial court to hear both sides and to pass appropriate orders thereon. After remand, I.A. No. 142 of 1998 filed for interim injunction by the petitioner was dismissed against which petitioner has filed CMA Nos. 13 and 14 of 2014 before the Sub Court and they were also dismissed on 08.11.2000. Ultimately, the suit itself was dismissed on 11.02.2011 against which he has filed A.S. No. 70 of 2011 before the Sub Court, Ponneri. The appeal is pending. These particulars relating to the filing of the civil suit has not been mentioned in the affidavit filed in support of WP No. 11859 of 2014 by the petitioner and he ought to have disclosed those particulars for a proper and effective adjudication of the case.

30. It is noteworthy to mention that after the order dated 25.04.2014 was passed by this Court in WP No. 11859 of 2014, the petitioner has filed another writ petition for similar relief before this Court in WP No. 16308 of 2015. The prayer in WP No. 16308 of 2015 is for issuance of a Writ of Mandamus directing the respondent viz., District Collector, Thiruvallur to consider the representation of the petitioner dated 04.04.2013 and 04.06.2014 to cancel the entry in the revenue records as "Central Government Poramboke" in respect of the lands comprised in Survey No. 155/2 and 156 in Padiyanallur Village and issue patta to the petitioner. It is noteworthy to mention that even in the said writ petition No. 16308 of 2015, the petitioner has not indicated about the filing of the earlier proceedings mentioned above. Of course, it is now claimed that the subsequent WP No. 16308 of 2015 has been filed by the petitioner through his power of attorney agent. As regards the subsequent WP No. 16308 of 2015 filed by the petitioner, it was dismissed by this Court on 11.06.2015. The relevant portion of the order dated 11.06.2015 in WP No. 16308 of 2015 is extracted hereunder:-

"4. Per contra, Mr. R.M. Muthukumar, the learned Government Advocate, who accepts notice for respondent would, on instructions, submit that the remedy open to the petitioner, if any, is to enforce the order dated 29.04.2014 passed by this Court in WP No. 11859 of 2014 and the claim projected by the petitioner is a stale one and he guilty of laches and hence, he would pray for dismissal of the writ petition.

5. The Court has considered the rival submissions carefully and also perused the materials available on record.

6. It is the well settled position of law that though the claim projected by a particular party is tenable, if he has slept over the matter for quite long time, he is not entitled for any relief. Even as per the averments made in the writ petition, the land in question was transferred as early as in the year 1954 by the revenue department and it is claimed by the petitioner that he is continuously corresponding with the authorities concerned for getting the entry vis., "Central Government Poramboke" cancelled. In this regard, the petitioner has also filed a writ petition in WP No. 11859 of 2014 wherein this Court by order dated 29.04.2014 directed the authorities concerned to consider the representation of the petitioner. The petitioner did not choose to proceed against the authorities concerned for their alleged non-compliance of the order of the Court. In the above facts and circumstances of the case, this Court is of the considered view that the petitioner's claim is not only stale, but, he is also guilty of delay and laches. Thus, no relief as claimed by the petitioner could be granted and this writ petition deserves dismissal.

Accordingly, this writ petition is dismissed. No costs.

31. As against the above order dated 11.06.2015, the petitioner has filed W.A. No. 1042 of 2015 before the Division Bench of this Court and it was dismissed as withdrawn on 04.08.2015. In the meantime, the petitioner has filed the contempt petition No. 935 of 2015.

32. It is also to be noted that earlier the petitioner and 10 others have filed WP No. 9004 of 2013 before this Court to quash the order of the Commissioner of Land Administration dated 28.02.2013, by which the Commissioner of Land Administration refused to entertain the application of the petitioners therein for grant of patta on the ground that it was claimed belatedly after 60 years. This Court dismissed the writ petition No. 9004 of 2013 on 24.09.2014 against which Writ Appeal No. 96 of 2015 was filed and it is pending. The above said proceedings have also not been disclosed in the affidavit filed in support of the writ petition No. 11859 of 2014 by the petitioner.

33. It is well settled that a party who approaches the Court has to disclose all the material particulars within his or her knowledge so as to enable the Court to properly appreciate the same to do complete and effective justice. Suppression of material particulars in a judicial proceedings is anathema to fair and complete justice. As mentioned above, in WP No. 11859 of 2014, the petitioner has

suppressed many material particulars and also failed to implead proper and necessary parties to the lis. Had those particulars were brought to the notice of this Court by impleading the proper and necessary parties, this Court would not have passed the order dated 25.04.2014 directing the Government to consider the representation of the petitioner. Rather, this Court would have proceeded to examine the claim of the petitioner on the basis of the material particulars made available on record. It is not the case of the petitioner that he is not aware of the rights of the review applicants in Review Application No. 197 and 210 of 2015. In such view of the matter, this Court holds that the petitioner ought to have impleaded the applicants in Review Application No. 197 and 210 of 2015 as party to the writ petition No. 11859 of 2014 and non-impleading those applicants would amount to non-joinder of proper and necessary parties to WP No. 11859 of 2014 filed by the petitioner.

34. Before parting with, it has to be mentioned that the learned Senior counsel for the petitioner as well as the review applicant in Review Application No. 197 of 2015 have relied on various judicial pronouncements in support of their respective contentions. Those decisions were relied on to mainly contend the circumstances under which the powers of review can be exercised by this Court. However, it is not in dispute that this Court has got the power of review especially when the petitioner has suppressed many material particulars while filing WP No. 11859 of 2014. When material particulars have been suppressed and the process of law has been subverted, this Court has got powers of review, to review it's own order to render complete and substantial justice. Therefore, having regard to the nature and scope of the issue that arise for consideration in these cases, this Court is not dealing with the decisions relied on by the learned Senior counsel for both sides.

35. In the light of what has been stated above, definitely, this Court has to allow all the review applications by accepting the submissions made in support of the review applications. At this juncture, as rightly pointed out by the learned senior counsel for the review applicant in Review Application No. 197 of 2015 as well as the learned Additional Advocate General appearing for the Review Application No. 192 of 2015, the point to be decided is whether this Court can, after allowing the review petition, hear the writ petitioner separately and to pass an orders on merits in WP No. 11859 of 2014. In the peculiar facts and circumstances of the case narrated above especially when the prayer in the representation sought to be disposed of in WP No. 11859 of 2014 itself is a stale one, a Writ of Mandamus could not be issued or even suo motu ordered by the government. While so, can such a relief be granted by this Court in this case. As held by the Division Bench of this Court in Ingaci's case mentioned supra, relying upon the decision of the Honourable Supreme Court, Courts cannot issue a direction to consider a stale or dead claim or claims which have no basis. In the present case, there is a willful, wanton and deliberate attempt made by suppressing the material particulars, including non mentioning of the previous proceedings, including the filing of the suit. Petitioner also suppressed the orders where petitions were filed in the name

of the petitioner or his power of attorney. Above all, even after the order passed by this Court in WP No. 11859 of 2014, the petitioner has filed yet another writ petition before this Court with a similar prayer in WP No. 16308 of 2015 and it was dismissed by this Court. The petitioner filed a writ appeal thereagainst and it was ultimately dismissed as withdrawn. Thus, when there is suppression of material particulars in the affidavit filed in support of the writ petition, the prayer sought for therein deserves no consideration by this Court. In such circumstances, there is no need for this Court to again hear the writ petition. Therefore, the petitioner is not entitled for any relief in the writ petition. The writ petition fails and it has to be dismissed in limine.

36. As regards contempt petition, the respondents only contend that the order passed on 25.04.2014 by this Court in WP No. 11859 of 2014 could not be complied with due to the various other proceedings on the same issue which were suppressed by the petitioner. Therefore, the Government has also filed Review Application No. 192 of 2015 to review the order passed in WP No. 11859 of 2014 on 25.04.2014. At any rate, I do not find any willful or deliberate disobedience on the part of the respondents in Contempt Petition No. 935 of 2015 in complying with the directions issued by this Court in WP No. 11859 of 2014. Therefore, the contempt petition No. 935 of 2015 filed by the petitioner to punish the respondents therein deserves to be dismissed.

37. For all the above reasons, the Contempt Petition No. 935 of 2014 is dismissed. All the Review Applications are allowed and the order dated 25.04.2014 passed in WP No. 11859 of 2014 is re-called. Consequently, WP No. 11859 of 2014 filed by the petitioner is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.