



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) No.19248 of 2015

S.Babu,
S/o.Sugumaran,
President, Aadhi Thiravidar Hindu Thandan
Community Sree Krishnaswamy Thirukoil Trust,
Vaikaloor, Kalingarajapuram, Vilavancode Taluk,
Kanyakumari District. ... Petitioner

Vs

The District Collector,
Nagercoil,
Kanyakumari District. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the respondent herein to consider the petitioner's representation dated 27.07.2015 within a time stipulated by this Court and pass appropriate orders and assign the land (Government Poramboke) in Re-Survey No.329/14-21 to an extent of 26.250 cents, Ezhudesom Village, Vilavancode Taluk, Nagercoil, Kanyakumari District.

For Petitioner : Mr.S.Rajesh Kanna
For Respondent : Mr.M.Murugan,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent herein to consider the petitioner's representation, dated 27.07.2015, within a time stipulated by this Court and pass appropriate orders and assign the land (Government Poramboke) in Re-Survey No.329/14-21 measuring to an extent of 26.250 cents situated at Ezhudesom Village, Vilavancode Taluk, Nagercoil, Kanyakumari District.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondent.

3. By consent, this Writ Petition itself is taken up for disposal.
<https://hccs.ecourts.gov.in/cases/>

4. In the affidavit it has been averred that the



petitioner Trust is a registered public trust in Reg.No.BK4/19/2015 and it was formulated for the welfare of Aadhi Thiravidar Hindu Community and to protect their interest and to spread Hindu religious philosophy and there is a temple by name Sree Krishnaswamy Temple established by Hindu Thandan Community people in that locality and the same was administered by the petitioner Trust. While the matter stood thus, the land in re-survey No.329/14-21 measuring to an extent of 26 cents out of 15 acres and 87 cents in Eludesom Village, Vilavancode Taluk, Kanyakumari District originally classified as Government poramboke and allotted as Harijan colony in the year 1979. A portion of the above said land was allotted to one K.Rajammal as free house site. But in violation of the assignment condition, she alienated the same to one Lakshmanan Nair and in turn, he sold the same to one J.S.Kumar and again, it was sold to one Pushkaran through a sale deed, dated 06.02.2002. On the basis of sale deed, the said Pushkaran filed a suit in O.S.No.175 of 2003 on the file of the Sub-Court, Kuzhithurai for the relief of declaration and injunction as against the Government and other private parties. The said suit was dismissed on 23.09.2010 holding that the above said land is a Government Poramboke and the plaintiff/Pushkaran is having no title. The appeal filed by the said Pushkaran in A.S.No.1 of 2011 before the District Court, Kanyakumari was dismissed on 27.02.2015 confirming the judgment that the said land is a Government poramboke land allotted as Harijan colony. Therefore, it is clear that the above said land is free from all encumbrance and the same is now vested with the Government and under the custody of the respondent herein. Hence, the petitioner Trust has made a representation dated 27.07.2015 to the respondent requesting to assign the above land(Government Poramboke) to the petitioner Trust. Since the said representation was not considered so far, the petitioner Turst has come forward with the present Writ Petition for the above stated relief.

5. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the respondent to consider the representation of the petitioner Trust, dated 27.07.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of hearing to the petitioner and all other necessary parties, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the



respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of.
No Costs.

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Sd/-
Assistant Registrar (C.S-II)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Nagercoil,
Kanyakumari District.

+ 1 CC TO MR.S.RAJESH KANNA, ADVOCATE IN SR NO. 62986/15
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 62556/15

PM

TE/JGB-DP/ : 05/11/2015 : 3P/4C

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