



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.19973 of 2015

M.Thangaraj

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

3.The Assistant Director (Panchayats)
Ramanathapuram District,
Ramanathapuram.

4.The Block Development Officer (Village Panchayats)
Paramakudi Panchayat Union,
Paramakudi,
Ramanathapuram District.

5.The President,
Nelmadur Village Panchayat,
Nelmadur, Paramakudi Taluk,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring that the Karuvelam Tree Auction Sale Notification in Ve.Aa.No: 148/2015/Se.Ma.Tho.A/Ramanathapuram Dated 20.10.2015 in paper publication dated 23.10.2015 in Tamil Local Daily Thinathanthi issued by the 4th respondent to conduct the Karuvelam Tree Auction Sale regarding the SI. NO. 3 Nelmadur Village Panchayat Vattam Thavirthan Kanmoi(Vadathan Kanmoi) is invalid.

For Petitioner : Mr.P.Paranthaman
For Respondents : Mr.C.Selvaraj,
Special Government Pleader.

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner, claiming to be part of the members of the



general public who have a vested right over a water body known as 'Vattam Thavirthan Kanmoi' has come up with the above writ petition challenging a notification issued by the fourth respondent for the sale of karuvelam trees standing in the Kanmoi.

2. Heard Mr.P.Paranthaman, learned counsel for the petitioner. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents.

3. Yesterday, when the matter came up, we directed the learned Special Government Pleader to get instructions from the fourth respondent about the claim made by the petitioner. Today, learned Special Government Pleader produced a certificate issued by the Village Administrative Officer to the effect that the water body known as 'Vattam Thavirthan Kanmoi, spread over an extent of about 19.52.5 hectares in S.No.133, Kothangkulam group village, Paramakudi Taluk, Ramanathapuram District, comes within the control of the Nelmadur Village Panchayat. The said certificate is also supported by the entries in the village 'A' Register. The 'A' Register of Kothangkulam village shows that the land in S.No.133 is a sarkar poramboke of the extent of about 19.52.5 hectares. The description given to the land is 'Vattam Thavirthan Kanmoi'. Therefore, the claim of the petitioner that the said water body belonged to the public of the village and that the income arising therefrom to be utilised for certain religious purposes is not borne out by records. In such circumstances, it is not possible for us to stop the auction of the trees standing in the Kanmoi. Therefore, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

- 1.The District Collector,Ramanathapuram District, Ramanathapuram.
- 2.The Tahsildar,Paramakudi Taluk,Paramakudi, Ramanathapuram District.
- 3.The Assistant Director (Panchayats),Ramanathapuram District, Ramanathapuram.
- 4.The Block Development Officer (Village Panchayats)
Paramakudi Panchayat Union,Paramakudi,Ramanathapuram District.
- 5.The President,Nelmadur Village Panchayat,Nelmadur, Paramakudi Taluk, Ramanathapuram District.

+1CC to Mr.P.Paranthaman, Advocate, SR.No. 65159.

+1CC to The Special Government Pleader SR.No. 65012.

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