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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20/4/2015

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

a n d

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Writ Petition (MD) No.5960 of 2015

Alagappan ... Petitioner

Vs

1. The District Collector
Sivagangai District, Sivagangai.
2. The Tahsildar
Tirupattur Taluk, Sivagangai District.
3. The President
Mahipalanpatti Panchayat
Tirupattur Taluk
Sivagangai District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the third respondent from using the lands of Sri Poongundra Naickiamman temple comprised in Survey No.76/3 situated at Mahipalampatti Village, Sivagangai District for thrash field operation/drying up of crops on the basis of the representation dated 10/4/2015 given by the petitioner to the first and second respondents.

For Petitioner ... Mr.R.John Sathyan

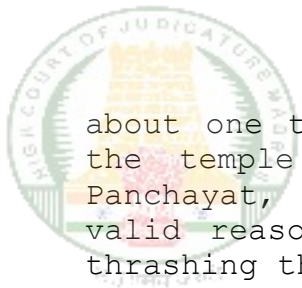
For Respondents ... Mr.A.K.Baskarapandian
Special Government Pleader

O R D E R

(Order of the Court was made by S.MANIKUMAR,J)

A resident of Mahipalanpatti Village, has sought for a writ of mandamus directing the third respondent/President of Mahipalampatti Panchayat, Tirupattur Taluk, Sivagangai District from using the lands of Sri Poongundra Naickamman temple comprised in Survey No.76/3 situated at Mahipalampatti Village, Sivagangai District on the basis of the representation dated 10/4/2015.

2. In the supporting affidavit, the petitioner has stated that the property situate in S.No.76/3 belongs to the temple. There exists certain poramboke lands for drying the crops (thrash fields) and the villagers have been using the same. There is also a famous tree which is



about one thousand years old. Festivals and functions are conducted in the temple premises. That be so, the President of Mahipalanpatti Panchayat, Tirupattur Taluk, Sivagangai District, without assigning any valid reason, has decided to use the temple lands for the purpose of thrashing the crops.

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3. At paragraph No.7 of the supporting affidavit, the petitioner has contended that the villagers are using the vacant space in the temple for two months. Averment has also been made that the third respondent has contemplated to pull down the thousand year old tree.

4. Though the petitioner at paragraph No.7 of the affidavit has stated that the vacant space in the temple premises is being used for thrashing crops by the villagers for the last two months, during the course of hearing, the learned counsel for the petitioner submitted that now the President of Mahipalanpatti Panchayat, Tirupattur Taluk, Sivagangai District/third respondent is trying to use the said premises for thrashing the crops. Submission is contrary to the pleadings.

5. From the supporting affidavit and the material on record, in particular, to the photographs enclosed in the typed set of papers, it is evident that a pavement has already been put up, and that the villagers have been using the place for thrashing the crops. Though the petitioner has projected a case as if the third respondent wanted to grab the property of the temple, for an illegal enrichment, from the averments and the material on record stated supra, we do not find any material substantiating the said allegation. On the contra, we find that villagers are using the premises for thrashing crops. We find no public interest in this writ Petition.

6. In the result, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Sivagangai District, Sivagangai.

2. The Tahsildar, Tirupattur Taluk, Sivagangai District.

3. The President, Mahipalanpatti Panchayat
Tirupattur Taluk, Sivagangai District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 20389

Mvs

SR/KBM : 11.05.2015 : 2p/5c

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