



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.05.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WEB COPY

W.P. (MD) No.8218 of 2015
and M.P. (MD) No. 1 of 2015

RENGASAMY

... PETITIONER

Vs.

1 THE DISTRICT REGISTRAR,
PUDUKKOTTAI DISTRICT.

2 THE TAHSILDAR,
ALANGUDY TALUK,
PUDUKKOTTAI DISTRICT.

3 THE BLOCK DEVELOPMENT OFFICER,
O/O.KOTHAMANGALAM PANCHAYAT UNION,
THIRUVARANKULAM, ALANGUDY TALUK,
PUDUKKOTTAI DISTRICT.

4 THE PRESIDENT,
KOTHAMANGALAM VILLAGE PANCHAYAT,
KOTHAMANGALAM,
ALANGUDY TALUK,
PUDUKKOTTAI DISTRICT.

... RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to maintain Vari Promboke in Survey No.121 Kothamangalam North Village Alangudy Taluk Pudukkottai District as Feeder Channel to our irrigation tank pudukulam removing the New construction in Survey No.121 at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 & R2 : Mr.M.Rajarajan

Government Advocate

O R D E R

This petition has been filed seeking for issuance of Writ of Mandamus, directing the respondents to maintain Vari Promboke in Survey No.121 Kothamangalam North Village, Alangudy Taluk, Pudukkottai District as Feeder Channel to our irrigation tank pudukulam removing the New construction in Survey No.121 at once.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the



respondents 1&2.

3. By consent this Writ Petition is taken up for final disposal at the admission stage itself.

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4. The petitioner would state that the proposed construction to be put up by the fourth respondent for constructing the stage in a land, which has been classified as a "Vari Promboke" and the construction cannot be put up therein more particularly, in the light of the judgment and decree dated 29.10.2014 passed in O.S.No.8 of 2000 on the file of District Munsif Court, Aranthangi.

5. The learned counsel for the petitioner has drawn attention of this Court to the observation / finding rendered by the Civil Court while granting decree of injunction, stating that as long as the land has been classified as "Vari Promboke" in the revenue records and the said entry has not been either revised or modified by the Government, which has to be preserved as such. On a perusal of the representation given by the petitioner dated 07.05.2015, it appears that there was already an existing stage and it appears that the same was directed to be removed, pursuant to the Civil Court decree. In any event these questions cannot be adjudicated in a Writ Petition, however, if the land in question is not capable of being used or cannot be used for such a purpose, it is for the revenue officials to take note of the same and act in accordance with law.

6. Accordingly, this Writ Petition is disposed of with a direction to the second respondent to consider the petitioner's representation dated 04.05.2015 after issuing notice to the petitioner and the fourth respondent, and conduct an enquiry into the matter after verifying the revenue records and thereafter, proceed in accordance with law by passing a reasoned order.

7. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.P.(MD) No. 1 of 2015 is closed.

Sd/-

Vacation Officer/ Assistant Registrar

/True Copy/

Sub Assistant Registrar



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PUDUKKOTTAI DISTRICT.

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KOTHAMANGALAM,
ALANGUDY TALUK,
PUDUKKOTTAI DISTRICT.

+1cc to Spl.Government pleader Sr.No. 25616

+1cc to Mr.P.Ganapathy Subramanian, Advocate Sr.No. 2555

pjl/sms

AA/18.05.2015/3p -7c/

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14.05.2015