

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.4083 of 2010

N.Thanigaivel

... Petitioner

Vs.

1. The District Collector of Tiruvannamalai
Tiruvannamalai District.
2. The Block Development Officer,
Vandavasi Taluk,
Tiruvannamalai District.
3. The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.
4. The Panchayat President
Keelsathamangalam,
Vandavasi Taluk,
Tiruvannamalai District.
5. The Inspector of Police,
Ponnur Police Station,
Ponnur Village,
Vandavasi Taluk,
Tiruvannamalai District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India pleased to issue a writ of certiorarified mandamus or any other writ or order in the nature of writ or direction, calling for the records of the impugned order vide letter C4/6751/2010 dated 12.02.2010 issued by the 1st respondent herein and quash the same as null and void and against the principles of natural justice and consequently direct the first respondent herein to pass appropriate order for safety measure and protection for the existing temple at SRI ANKALA PARAMESWARI ALAYAM KEELSHATHAMANGALAM MADHURA INDHIRA NAGAR, Vandavasi Taluk, Thiruvallur District by issuing the necessary revenue patta admeasuring the land under the discretionary power of the first respondent as required for the existing temple with reference to the representation already submitted on 24.11.2009 by the petitioner herein before the first respondent

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.P.Sanjay Gandhi,
Addl.Govt.Pleader
for R1, R2, R3 & R5.
Mr.R.Thirugnanam for R4.

O R D E R

The petitioner has come out with the present petition challenging the order passed by the first respondent on 12.02.2010 by and under which the first respondent rejected the claim of the petitioner for issuance of patta for land at survey number 266/1 at Indira Nagar, Keelsathamangalam Madhura, Vandavasi Taluk, Thiruvannamalai District.

2. According to the first respondent, the land at survey number 266/1 is a Government land under the heading "Mandhaiveli Poramboke". The total extent of the land is 0.50 hectare out of which the petitioner has sought patta for 2400sq.ft. ie., 6X40. Since the land belongs to the Government, wherein the petitioner proposed to construct a temple and exactly, the place, for which patta is sought and where the construction of temple is proposed is being used as panchayat school play ground and there are lot of objections from the village people for issuance of patta to the petitioner in the name of temple. Also once the petitioner is permitted to construct the temple, other village people in the nearby locality would make the same claim. In this regard, though a peace committee meeting was conducted to resolve the issue on 11.02.2010, no amicable settlement was arrived at, as reported by the third respondent Tahsildar. In that circumstances, if any action is taken to grant patta in the name of temple either to petitioner or any one, there will be every chance of law and order issue, which will ultimately affect the festivals to be conducted in the temple. More over the Government land under the heading "Mandhaiveli Poramboke" cannot be given by way of patta to an individual or group of individuals. Therefore, for all these reasons, the request of the petitioner was rejected by the first respondent on 12.02.2010.

3. The learned counsel for the petitioner would contend that the temple has already been built by the village people and a majority of the people are worshipping the God in the temple and the same is being frequently disturbed by the nearby individuals or people, who are occupiers or encroachers of the Government land adjacent to the land where exactly the temple was built. Only in order to protect the temple from such trouble, the petitioner has sought for patta from the official respondents herein, for the extent of 2400 sq.ft in survey number 266/1.

4. Heard the submissions made by the learned counsel for the petitioner as well as the Additional Government Pleader appearing for the official respondents and the learned counsel for fourth respondent.

5. Admittedly, the land for which patta is sought for by the petitioner is a Government land under the heading "Mandhaiveli poramboke". The petitioner being an individual claiming to be representing the village people, who constructed the temple in the said land cannot have a special right to have patta either in his name or in the name of any other person. Though the said fact of temple having been built is disputed, the learned counsel for the petitioner would assert that the building has already been built and people are worshipping. The only objection is from the third parties who claim to be occupiers or encroachers of the said land where the temple is said to have been located and in order to protect from them, the patta is required and therefore the same can be considered by the respondents.

6. As has been rightly pointed out by the learned Additional Government Pleader, the order impugned need not be interfered with as the land belongs to the Government and not any individual or group of individuals, even under the name of God, can claim any right over the property and that too they cannot claim any patta. The attempt to settle the issue amicably, made by the first and second respondents since ended in failure and if any patta for the temple is given to the petitioner as claimed, there is a chance of law and order problem. Moreover the land for which sought for patta is over lapping the area of the school ground of panchayat union primary school of that village. For all these reasons the respondents have rejected the claim of the petitioner which in the opinion of this Court is justifiable and hence no interference is warranted.

7. In that view of the matter, the writ petition deserves no merits and hence it is liable to be dismissed, accordingly is dismissed. However in respect of any other dispute between the petitioner or other people who claim to be in the management of the temple and other people who are nearby located, the same can be resolved by an appropriate proceedings before the competent civil Court in the manner known to law. With these observation this writ petition is dismissed. No costs. Connected Miscellaneous petitions are also closed.

dpq

Sd/-

Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

To

1. The District Collector of Tiruvannamalai
Tiruvannamalai District.
2. The Block Development Officer,
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5. The Inspector of Police,
Ponnur Police Station,
Ponnur Village,
Vandavasi Taluk,
Tiruvannamalai District.

+1CC to MR.R.THIRUGNANAM Advocate SR.NO.64260
+1CC to MR.G.THANGAVEL Advocate SR.NO.64570

W.P.No.4083 of 2010

SSI[CO]
MK:02/01/2017



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