



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.09.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.13365 of 2015

and

M.P. (MD)No.1 of 2015

S.Sivakumar

: Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by
The Principal Secretary,
Adi Dravidar Welfare Department,
State of Tamil Nadu, Secretariat,
Fort St. George, Chennai.

2.The Principal Secretary,
Public Works Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.

3.The District Collector,
Office of the District Collector,
Thanjavur District.

4.The Executive Engineer,
Public Works Department,
Pattukottai,
Thanjavur District.

5.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to forbear from constructing Pattukottai Alagiri Memorial in the land in Survey No.138B/2A that is classified as "Sarkar Porampoke-Kulam" in revenue records in Pattukottai town and consequently, directing the respondents to select any land other than water bodies.

For Petitioner

: Mr.R.Alagumani

For Respondents

: Mr.T.R.Janarthanan,

Additional Government Pleader

**O R D E R***********

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Public Interest Litigation to forbear the respondents from constructing Pattukottai Alagiri Memorial in the land comprised in Survey No.138B/2A that is classified as "Sarkar Porampoke-Kulam" in the revenue records at Pattukottai Town.

2. According to the petitioner, since it is a water body, there shall be no construction made on the said survey number.

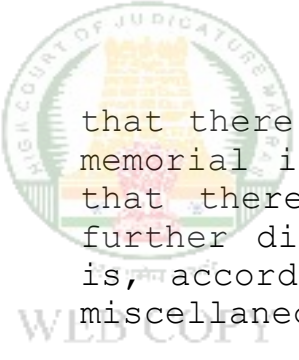
3. In the counter filed by the Executive Engineer, Public Works Department, Buildings (Construction and Maintenance) Division, Thanjavur, in paragraph No.4, he has stated as follows:

"4. It is submitted that the site selected and handed over to Public Works Department by the Revenue Department for "Construction of Pattukottai Azhagirisamy Memorial at Pattukottai in Survey No.138B/2B is a Sarkar Poramboke, as per the revenue records. The site/land was handed over to Public Works Department by the Revenue Department on 03.04.2008, 8 years ago. Based on the above, the Government of Tamil Nadu has sanctioned a sum of Rs.39.00 Lakhs for construction of Pattukottai Azhagirisamy Memorial in the place of Avudaiyankulam at Pattukottai on 24.06.2008 and the sanction has been revised to Rs.85.00 Lakhs on 09.03.2015. The name of the land is Auvdaiyankulam and it is not actually a water body. The land was a low lying area and it was used by the public for depositing wastage & debris. The site/land is not actually a water body. The low lying area is not actually connected to any river/channels in the delta. Now it has been filled by wastes. The low lying area is not surrounded by any paddy fields, to state that it is a water body. The site/land was situated along the Pattukottai-Thanjavur State Highways and the entire land was filled up with the wastes. As claimed by the petitioner in the writ petition, it was not 138B/2A, and it is actually 138B/2B in which the building is proposed."

4. In order to substantiate the said contention, the learned Additional Government Pleader has produced copies of the field survey land, 'A' register and chitta and adangal, which show that Survey No.138B/2A part is a tank and 138B/2B is only a Sarkar Tharisu (waste land).

<https://hcservices.ecourts.gov.in/hcservices/>

5. This Writ Petition pertains only to a land comprised in Survey No.138B/2A. In the counter, it has been made very clear



that there shall be no construction on 138B/2A and construction of memorial is going to be made only on 138B/2B. Since it is stated that there shall be no construction in Survey No.138B/2A, no further direction is required in this matter. The Writ Petition is, accordingly, dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Principal Secretary,
The State of Tamil Nadu,
Adi Dravidar Welfare Department,
State of Tamil Nadu, Secretariat,
Fort St. George, Chennai.
- 2.The Principal Secretary,
Public Works Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
- 3.The District Collector,
Office of the District Collector,
Thanjavur District.
- 4.The Executive Engineer,
Public Works Department,
Pattukottai,
Thanjavur District.
- 5.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:57778

+2cc to M/S.R.ALAGUMANI,ADVOCATE SR NO: 58139, 57645

sml

JA-GSV-PM-13.10.2016-3P:9C

Order made in
W.P.[MD].No.13365 of 2015
Dated: 29.09.2016