



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2016

CORAM

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) .No.18005 of 2016

and

W.M.P. (MD) No.12975 of 2016

1.Velusamy

2.K.Ramar Konar

... Petitioners

-vs-

1.The District Collector

Tuticorin District

Tuticorin.

2.The Revenue Divisional Officer

Kovilpatti, Tuticorin District

3.The Tahsildar

Kovilpatti Taluk Office

Kovilpatti, Tuticorin District

4.The Commissioner

Kayathar Village Panchayat Union

Kayathar, Tuticorin District

5.The Block Development Officer

Kayathar Village Panchayat Union

Kayathar, Tuticorin District

6.The Superintendent of Police

Tuticorin District, Tuticorin

7.The Inspector of Police

Kayathar Police Station

Kayathar, Tuticorin District

... Respondents

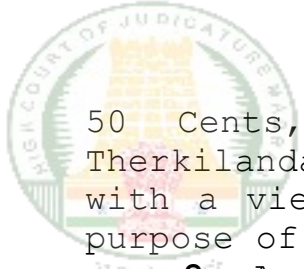
Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of mandamus forbearing the respondents from taking over possession of the lands belonging to Sri Kalliamman Temple, situate at Therkilandakulam Village, Kovilpatti Taluk, Tuticorin District, with a view to hand over the same to some other persons for burial the dead body in S.No.329/2, measuring about 3 Acres 50 Cents forthwith.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents: Mr.N.S.Karthikeyan, A.G.P.

ORDER

The prayer in the writ petition is for issuance of a writ of mandamus to forbear the respondents forthwith from taking over possession of the land in Survey No.329/2, measuring about 3 Acres



50 Cents, belonging to Sri Kalliamman Temple, situated at Therkilandakulam Village, Kovilpatti Taluk, Tuticorin District, with a view to hand over the same to some other persons for the purpose of burial of dead bodies.

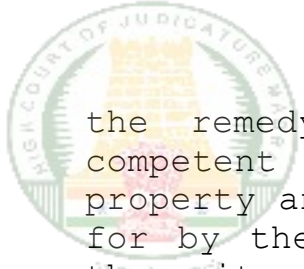
2. According to the petitioners, the land in Survey No.329/2 of Therkilandakulam Village, Kovilpatti Taluk, Tuticorin District, measuring about 3 Acres 50 Cents, was purchased in the name of Sri Kalliamman Temple, by its Manager Rengasamy and the said land is in possession of the people belonging to the first petitioner's community as well as the people belonging to the second petitioner's community. A part of the said land has been used as a burial ground for more than sixty years by both the community people and the remaining land has been used for the temple purpose, and some persons belonging to the same Village have encroached a portion of the Temple land and using it for the purpose of burying dead bodies, in this regard, the petitioners gave so many representations to the respondents in person, but there was no action on their representations.

3. The petitioners further submitted that on 27.06.2016, some of their village people raised a dispute with regard to burying dead bodies in the Temple land, for which the petitioners raised objections and gave a complaint before the seventh respondent, who referred the matter to the third respondent, based on which, the third respondent conducted a peace committee meeting on 01.07.2016, wherein the third respondent has acted in support of the rival group and threatened the petitioners and therefore they came out from the meeting. The rival group, taking advantage of the support by the third respondent, burying the dead bodies in the Temple land and the third respondent has also tried to hand over the possession of the Temple land to the rival groups, aggrieved by the same, they have filed this writ petition seeking the relief as stated above.

4. Mr.N.S.Karthikeyan, learned Additional Government Pleaders, on instructions, submitted that since there was a law and order problem with regard to burial of dead bodies, a peace committee meeting was held on 27.06.2016 by the third respondent and in which it was decided that the burial ground situated in the Temple land would be used only for the purpose of burial of dead bodies and anybody has any grievance by the same can approach the competent forum to redress their grievance. Further, the third respondent in the capacity of Executive Magistrate only conducted the peace committee meeting and he has never acted in support of the rival group as alleged by the petitioners.

5. Heard the rival submissions and perused the materials produced.

6. A perusal of the materials produced would disclose that the petitioners claim right over the property and allege that some of the village people are trying to interfere with their possession and enjoyment of the land in dispute. In considered view of this Court, the dispute purely civil in nature, therefore,



the remedy available to the petitioners is to approach the competent civil forum, for declaration of their right over the property and for other consequential reliefs and the relief sought for by them cannot be adjudicated in a writ jurisdiction, hence the writ petition deserves dismissal.

7. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioners to approach the concerned jurisdictional Civil Court for the relief as afore-stated, and the respondents also directed not to interfere with the civil dispute between the parties concerned. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Tuticorin District, Tuticorin.
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- 7.The Inspector of Police,
Kayathar Police Station,
Kayathar, Tuticorin District.

+1cc M/s.G.Gomathi Sankar, Advocate SR.No. 57192

+1cc to M/s.Special Govt.Pleader SR.No. 57472

krk

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