

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01/03/2019

DATED : 08. 03.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.883 of 2012

And

M.P.Nos. 1 & 2 of 2012

Kongu Nattu Vellalar Trust
26-A, Pookadai Street,
Rasiputam 607 408
Rep. By its General Body Member
K.Kandasamy ... Petitioner

Versus

The District Collector,
Namakkal
Namakkal District. ... Respondent

PRAYER:Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondent, his men, agents or his subordinates from locating any building much less building for Rasipuram Agricultural Regulated Market Committee in the land in S.No. 33/2, Anaikattipalayam, Koonavelampatti Village, Rasipuram Taluk by treating it as Government Poramboke.

For Petitioner :: Mr.R.Gandhi
Senior Counsel for M/s.R.G. Narendhiran

For Respondent :: Mr.Siva ShaShanmugasundram
Special Government Pleader

Mr. I.Abrar Mohammed Abdullah
for Proposed Respondent

ORDER

The Writ Petition had been filed by the Kongu Nattu Vellalar Trust, Raisipuram, against the District Collector, Namakkal District, in the nature of a Mandamus forbearing the respondent or anybody acting under the respondent from locating a building for Rasipuram Agricultural Regulated Market Committee in the land in S.No. 33/2, Anaikattipalayam, Koonavelampatti Village, Rasipuram Taluk by treating it as Government Poramboke land.

2. Mr.K.Kandasamy, General Body Member of the petitioner trust had stated in his affidavit filed in support of the Writ Petition that the land in question in S.No. 33/2, Anaikattipalayam, Koonavelampatti Village, Rasipuram Taluk, measuring an extent of 4.27 acres had been classified as the Koil Poromboke in the revenue records. He further claimed that it was in the possession and enjoyment of the people belonging to Kongu Nattu Vellalar community for more than three centuries. He further claimed that there was a Vinayagar Temple in existence for several centuries and the people of the community are maintaining the temple and are conducting periodical festivals and performing regular pujas. The Koonavelampatti Panchayat had also granted approval for construction of a new temple and also for construction of a prayer/meditation hall by resolution dated 13.07.2007. The new temple and meditation hall were also constructed. It was stated that the respondent was taking steps to construct a building for Rasipuram Agricultural Regulated Market Committee in the said lands. It is under these circumstances that the Writ of Mandamus came to be filed.

3. The respondent in the counter have seriously disputed the nature of the lands and have claimed that even though there was a temple and the lands were also classified as Koil Poromboke, it was only Government Poromboke land. They have also questioned the usage of the land by a particular community of people.

4. Mr.R.Gandhi, learned Senior Counsel for the petitioner, at the time of the hearing of the Writ Petition on 01.03.2019 brought to the notice of this Court the fact that the Government had constructed Rasipuram Agricultural Regulated Market Committee building in another land and the said building had also been opened on 08.05.2017 by the Hon'ble Chief Minister. Consequently, the learned Senior Counsel stated that without adverting to the rival contentions raised in the affidavit and in the counter affidavit, the matter could be disposed of by recording that fact.

5. In view of the fact that the Government had constructed the Rasipuram Agricultural Regulated Market Committee building in another land and not in the lands in question, nothing survives in this present Writ Petition and recording that fact, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

vsg

To

The District Collector,
Namakkal, Namakkal District.

+1cc to Mr.R.G.Narendhiran, Advocate SR.No.22005

+1cc to Government Pleader SR.No.23184

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PA (CO)
GMY (04/04/2019)

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