



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.A. (MD) No. 344 of 2013

and

M.P. (MD) No. 3 of 2013

Karuppayee

... Appellant/3rd Party

Vs.

1. Arulmigu Ayyanar, Manthaiyamman,
Muniyandeeswarar Kovil,
Rep. by its Managing Trustee,
S. Chellamayandi, Nethaji Main Road,
Bibikulam,
Madurai 625 002. ... 1st Respondent/Writ Petitioner
2. The District Collector,
Madurai District, Madurai.
3. The Tahsildar,
Madurai North Taluk, Madurai.
4. The Chief Land Surveyor,
Madurai North Taluk, Madurai.
5. R. Dhanuskodi ... Respondents 2 to 5/
Respondents 1 to 4

PRAYER: The Appeal filed under Clause 15 of Letters Patent Act, against the order dated 15.11.2012 in W.P.(MD) No. 13182 of 2012 passed by the learned Single Judge of this Court.

Prayer in WP(MD). 13182 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 3 to consider the representation of the petitioner dated 11.09.2012 and to measure and demarcate the temple's land comprised in Old Survey No. 32, New S.No. 23/24 at Arulmigu Ayyanar, Manthaiyamman, Muniyandeeswarar Kovil, Nethaji Main Road, Bibikulam, Madurai admeasuring 7 cents to fix correct extents and boundaries and pass such further or other orders.



For Respondents : Mr.T.Poovanalingam for R1
Mr.Aayiram K.Selvakumar, AGP for R2 to R4
No appearance for R5

JUDGMENT

(Judgment of the Court was delivered by K.KALYANASUNDARAM,J.)

This Writ Appeal is preferred against the order of the Learned Single Judge passed in W.P.(MD)No.13182 of 2012 dated 15.11.2012.

2.The first respondent herein filed the Writ petition for issuance of a Writ of Mandamus, directing the respondents 1 to 3 therein to consider the representation of the petitioner dated 11.09.2012 to measure the property in old Survey No.32, new Survey No.23/24 at Arulmigu Ayyanar, Manthaiyamman, Muniyandeeswarar Kovil, Nethaji Main Road, Bibikulam, Madurai.

3.The Learned Single Judge allowed the Writ petition by directing the respondents therein to consider the representation of the Writ petitioner and measure and demarcate the said land.

4.The appellant, who is the third party to the Writ petition, would state that the land in new Survey No.23/24 has been classified as Kanmai poramboke and it does not belong to the first respondent herein.

5.The learned counsel for the appellant would submit that the Division Bench of this Court in W.P.(MD)No.24207 of 2016 held that the land in dispute is a Kanmai Poramboke and a direction was issued to remove the encroacher by an order dated 10.01.2017.

6.The learned counsel for the first respondent made submissions in support of the finding of the Learned Single Judge.

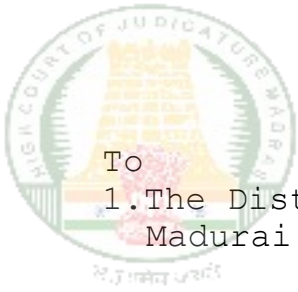
7.It seems that suits have been instituted by the private parties with regard to the land in dispute. Hence, the third respondent is directed to consider the case and pass appropriate orders based on the revenue records. It is made clear that if there is any dispute with regard to ownership of the property, the parties have to work out their remedy before the competent Civil Court, if the issue was not already decided.

8.With the above observation, this Writ Appeal is disposed of. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar (P & A)

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To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Chief Land Surveyor,
Madurai North Taluk, Madurai.

+1CC TO MR.T.POOVANALINGAM, Advocate Sr. No.55996

+1CC TO MR.M.PONNIAH, Advocate Sr. No.56137

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TR (16.04.2019) 3P 6C