



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM

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THE HONOURABLE **MR. JUSTICE S. S. SUNDAR**

W.P. (MD) No. 15342 of 2015
and
M.P. (MD) No. 1 of 2015

R. Malayandi

... Petitioner

Vs.

1. The District Collector,
Pudukottai District, Pudukottai.
2. The District Revenue Officer,
Pudukottai Collectorate, Pudukottai.
3. The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.
4. The President,
Ponnamaravathi Town Panchayat,
Ponnamaravathi, Pudukottai District.

5. R. Raja

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents 4 and 5 herein, their men, servants, or agents or anyone claiming under them from in any manner putting up construction of public toilet in the lands in Survey No. 628/2, 4 and 5 of Ponpudupatti Village, Ponnamaravathi Taluk, Pudukottai District.

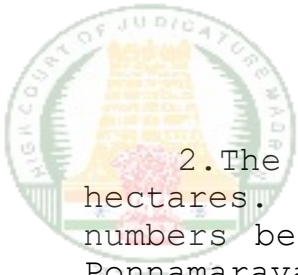
For Petitioner : Mr. AL. Ganthimathi

For R1 to R3 : Mr. A. Muthukaruppan,
Additional Government Pleader.

For R5 : K. Balasundaram

ORDER

This writ petition has been filed to forbear the respondents 4 and 5 herein, their men, servants, or agents or anyone claiming under them from in any manner putting up construction of public toilet in the lands in Survey No. 628/2, 4 and 5 of Ponpudupatti Village, Ponnamaravathi Taluk, Pudukottai District.



2.The petitioner claims ownership over an extent of several hectares. The petitioner states that the lands in several survey numbers belongs to the temple known as Alagunatchiamman Temple and Ponnamaravathi Uduyapiratti Temple and the petitioner is the Poosari. The petitioner's further case is that the lands were earmarked as poosari maniyam, several centuries ago. Though the petitioner states that during settlement patta was in favour of the petitioner's forefathers, the petitioner has not produced revenue patta. Stating that the local body has a proposal to construct toilet in the disputed property, the petitioner has come forward with the present writ petition.

3.The learned counsel for the petitioner submitted that the property in which the toilet is proposed to be constructed, belongs to the petitioner and the petitioner's forefathers were recognized as persons, who are entitled to hold the property in lieu of their service.

4.The learned Additional Government Pleader submitted that the property belongs to the temple and that the fourth respondent has obtained permission from the Hindu Religious and Charitable Endowment Department for construction of toilet. It is further stated that the toilets were constructed in the disputed property.

5.Taking into consideration the fact that the dispute is with regard to the title, this Court is of the view that the title can be decided only by the Civil Court. Having regard to the issue raised by the fourth respondent, it would be appropriate to leave the matter to be adjudicated by the Civil Court. Hence, this writ petition cannot be entertained, in view of the serious dispute regarding title. Accordingly, this writ petition is dismissed. However, liberty is given to the petitioner to approach the Civil Court to establish his title and enjoyment of the property. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The District Collector,
Pudukottai District, Pudukottai.

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

2.The District Revenue Officer,
Pudukottai Collectorate, Pudukottai.



3.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.

4.The President,
Ponnamaravathi Town Panchayat,
Ponnamaravathi, Pudukottai District.

+1 CC to M/s.K.BAALASUNDARAM, Advocate (SR-3611[F] dated 29/01/2020)

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-3285[F] dated 28/01/2020)

+1 CC to M/s.Special Govt.Pleader (SR-3361[F] dated 28/01/2020)

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27.01.2020

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SDS (12.02.2020) 3P-8C