



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

CORAM

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

W.P. (MD)No.17845 of 2015

WEB COPY

Sivanandam

... Petitioner

vs.

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forebear the respondents from evicting the petitioner from his residential house in Door No.48/3, in the Mandapam situated in T.S.Nos.27 and 28 in the Bhagavat Padithurai at Kumbakonam without following any due process of law and consequently, to direct the respondents to take necessary action against the culprits on the basis of his representation, dated 26.09.2015.

For Petitioner :Mr.T.Vadivelan

For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to forebear the respondents from evicting the petitioner from the residential house in Door No.48/3, in the Mandapam situated in T.S.Nos.27 and 28 in the Bhagavat Padithurai at Kumbakonam without following any due process of law and consequently, to direct the respondents to take necessary action against the culprits on the basis of his representation, dated 26.09.2015.

2.In the affidavit filed in support of this petition, the petitioner stated that one Sekar is indulged in illegal activities, as if he is the Chairman of Municipality, even though his wife alone is the Chairman of the Municipality. It is further stated that the said Sekar is indulged in land grabbing by misusing the official power of his wife. It is also stated that the said Sekar came to the house of petitioner and threatened the petitioner to evict the premises, in which he is residing.

3.It is admitted by the petitioner that the petitioner was



appointed as Watchman in one of the spiritual and cultural heritage Mandapam, known as "Bhagavat Padithurai" which is located very near to Kaveri River, Thanjavur District. The petitioner further admitted that the said Mandapam is managed and maintained by Sankaramadam. It is also admitted that a small residential house in D.No.48/3 was allotted to the petitioner, who was doing the job of Watchman in the said Mandapam. The petitioner has not impleaded either Sankaramadam or anyone, who permitted the petitioner to reside in one of the buildings. The petitioner cannot claim ownership over the building.

4.Under the pretext that some third parties are threatening the petitioner to vacate, the petitioner has filed the present Writ Petition. The affidavit does not disclose any cause of action against the respondents. Hence, the Writ Petition cannot be entertained for the relief sought for. The petitioner appears to have approached this Court with ulterior motive and intention. The Writ Petition suffers from lack of *bona fide* and hence the petitioner is not entitled to get any indulgence for exercising the extraordinary jurisdiction of this Court under Article 226 of Constitution of India. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cmr

To

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam, Thanjavur District.

+1 CC to SPL.GP (SR-3887[F] dated 30/01/2020)

W.P. (MD)No.17845 of 2015

28.01.2020

_KM/(11.02.2020) 2P 4C