

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.20077 of 2020

S.Sundar

.. Petitioner

-VS-

1.Director Town and Country Planning (DTCP),
No.33, 4th Street,
Rajappa Nagar, Thanjavur – 613 007.

2.Thirukkadaiyur Panchayat,
rep. by its President,
Thirukkadaiyur – 609 311,
Nagapattinam District.

3.The Dharmapuram Adheenam Mutt,
rep. by its Jagadguru,
Orthodox Saiva Madam,
Dharmapuram,
Myladuthurai – 609 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus forbearing the 3rd respondent
Mutt from constructing any building for non-charitable purpose so as to

earn income on its land in New Survey No.612/1 situated in South Street at Thirukkadaiyur, Nagapattinam District.

For Petitioner : Mr.S.Santhosh Kumar

For Respondents : Ms.R.J.Radhika
Government Advocate
for respondent Nos.1 and 2

ORDER

(Order of the Court was made by *Senthilkumar Ramamoorthy, J.*)

We heard learned counsel for the petitioner Mr.S.Santhosh Kumar.

2. In this writ petition, the petitioner seeks to restrain the third respondent Mutt from constructing any building for non-charitable purposes. The petitioner has neither averred nor established that the third respondent Mutt qualifies as "State" for the purpose of Article 12 of the Constitution of India. As such, we find that the writ petition is not maintainable.

Accordingly, the writ petition is dismissed. However, the dismissal of the writ petition shall not preclude the petitioner from prosecuting a civil suit before the appropriate forum. No costs. Consequently, W.M.P.No.24778 of 2020 is closed.

(S.B., C.J.) (S.K.R., J.)
05.01.2021

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To:

- 1.The Directorate Town and Country Planning (DTCP),
No.33, 4th Street,
Rajappa Nagar, Thanjavur – 613 007.
- 2.The President,
Thirukkadaiyur Panchayat,
Thirukkadaiyur – 609 311,
Nagapattinam District.

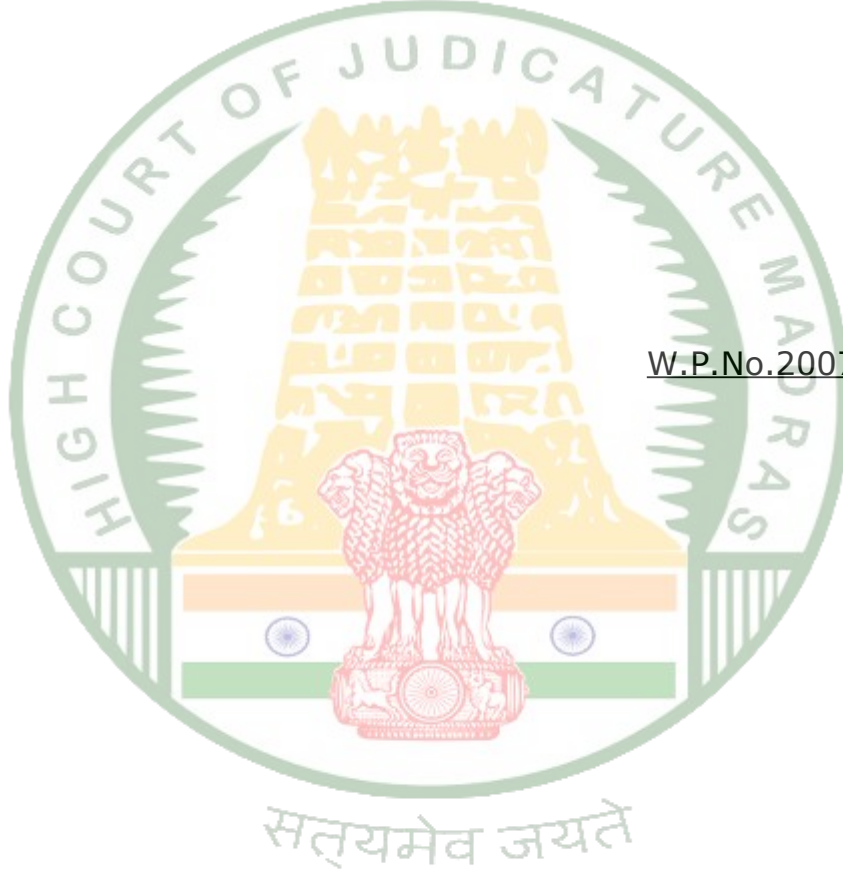
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W.P.No.20077 of 2020

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

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