



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.7946 of 2021

and

W.M.P.[MD]No.6056 of 2021

G.Ananthan

... Petitioner

Vs.

1.State rep. by

The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.State rep. by,

The District Revenue Officer,
Office of the District Revenue Officer,
Tiruchirappalli District.

3.State rep. by,

The Revenue Divisional Officer / Sub Collector,
Lalgudi,
Tiruchirappalli District.

4.The Tahsildar,

Manachanallur Taluk,
Tiruchirappalli District.

5.The Executive Officer,

Arulmigu Gneelivaneswarar Temple,
Thiruppanjili,
Manachanallur Taluk,
Tiruchirappalli District.

6.The Assistant Director of Animal Husbandry,

Palakkarai,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 09.01.2021 and consequently direct the 6th respondent restrain from constructing the animal husbandry building in Old Survey No.936/2 and new survey No.365/2 situated at Thirupanjili Village, Manachanallur Taluk, Tiruchirappalli District.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.K.P.Krishnadass,

Special Government Pleader



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Senthil Kumar, learned Counsel appearing for the petitioner and Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents.

2.The petitioner, by way of this Public Interest Litigation seeks for a direction for consideration of his representation, objecting to the location of the building put up by the animal husbandry department.

3.We find that earlier, similar relief was sought for by another person by name Kanagaraj, in W.P.[MD]No.3339 of 2021 and the writ petition was disposed of on 23.02.2021, directing the District Collector, to look into the grievances expressed. The District Collector has accordingly looked into it and the matter has been brought to the notice of the District Collector.

4.We find that the District Collector has granted permission of the construction of a superstructure to house a veterinary hospital for the animal husbandry department as early as on 27.07.2020, which is also very essential in the village.

5.The petitioner as well as the respondent temple claims that the land is being used by the devotees during Dusserra period. However, it is an admitted fact that the land is a Government poramboke land measuring a total extent of 0.56.0 hectares and permission has been granted to put up the construction for a veterinary dispensary to an extent of 0.08.0 hectares. Photographs have been produced before us, from which, we find that the superstructure is structurally complete and only plastering and fixing of doors and windows alone is remaining. Therefore, we cannot interfere with the decision taken by the District Collector and determine at this juncture and that too on the basis of the submissions made by the petitioner in this writ petition.

6.We also note that the Executive Officer of the temple has filed a suit in O.S.No.171 of 2020, on the file of the District Munsif Court, Lalgudi, in which a decree of permanent injunction has been sought for. In our *prima facie* view, the suit itself is not maintainable because the land does not belong to the temple, but it is a Government poramboke land. It is not clear as to how the District Munsif allowed the plaint. However, the learned District Munsif has not granted any interim relief in I.A.No.2 of 2020 by the plaintiff / temple. In the light of the orders passed in this writ petition, the suit virtually becomes infructuous.



7. With the above observation, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

MR

To

1. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
 2. The District Revenue Officer,
Office of the District Revenue Officer,
Tiruchirappalli District.
 3. The Revenue Divisional Officer / Sub Collector,
Lalgudi,
Tiruchirappalli District.
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Manachanallur Taluk,
Tiruchirappalli District.
 5. The Executive Officer,
Arulmigu Gneelivaneswarar Temple,
Thiruppanjili,
Manachanallur Taluk,
Tiruchirappalli District.
 6. The Assistant Director of Animal Husbandry,
Palakkarai,
Tiruchirappalli District.
- +1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-16567[F] dated 20/04/2021)
+1 CC to M/s.SPL GP (SR-16477[F] dated 19/04/2021)

W.P. [MD]No.7946 of 2021
17.04.2021

GS (30.04.2021) 3P 9C

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