



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.18078 of 2019

WEB COPY

R.Kumarasamy

... Petitioner

-Vs-

1.The District Collector,
Thanjavur District.

2.The Joint Director,
Department of Agriculture,
Kattuthottam,
Thanjavur-613 501.

3.The Tahsildar,
Pattukottai Taluk Office,
Thanjavur District.

4.The Assistant Director,
Department of Agriculture,
Peravoorani,
Thanjavur District.

5.The Executive Officer,
Sri Varadharajalu Temple,
Pudukkottai Ulloor,
Pattukottai Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representation dated 03.12.2018 to grant Kaja Cyclone relief fund in Survey no.166/1A, 1B, 2A, 2B at Pudukkottai Ulloor Village, Pattukottai Taluk, Thanjavur District.

For Petitioner	: Mr.P.Muthusamy
For R1 to R4	: Mr.M.Rajarajan
	Additional Government Pleader
For R5	: Mr.M.R.S.Prabhu



ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 to R4 and the learned counsel appearing for the fifth respondent temple.

2.The petitioner claims that he is a lessee in occupation of the petition mentioned lands. According to him, the coconut trees standing on the lands fell down due to gaja cyclone. The petitioner therefore wants the authorities to grant him the necessary relief. Since the authorities did not act on the petitioner's request, the writ petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. I am not in a position to grant relief as sought for by the petitioner for the simple reason that the dispute has been raised by the fifth respondent temple. It is obvious from the records that the land in question belongs only to the fifth respondent temple. Even according to the petitioner, he is only a lessee. But then, the lease is said to have been executed by one Rajadurai, who is represented for the fifth respondent as a self styled trustee. Be that as it may, as per Section 34 of the HR & CE Act, no lease beyond five years could be granted without permission of the Government/Commissioner, HR & CE Department. Since contentious dispute between the two entities namely the petitioner herein and the fifth respondent herein, has arisen in the writ petition, the Writ Court will not be justified in passing order in favour of one particular party.

5.Leaving open the rights of the parties, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.



To

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+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-5057[F] dated 15/02/2021)
+1 CC to M/s.GP (SR-5154[F] dated 15/02/2021)

W.P. (MD)No.18078 of 2019

ARK(CO)

TR(02.03.2021) 3P 8C