



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.05.2022

CORAM :

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P (MD)No.9693 of 2022

M.Angusamy

...Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Srirangam, Trichy.
3. The Tahsildar,
Srirangam Taluk, Trichy District.
4. The Revenue Inspector,
Srirangam Taluk, Trichy District.
5. The Village Administrative Officer,
Palur Village,
Srirangam Taluk, Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider the objection sent by the petitioner and other villagers by way of undated representation sent on 12.04.2022 to the respondents 1 to 3 herein with regard to the A1- Advertisement notice dated 18.03.2022 issued by the fourth respondent.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.A.Kannan

Additional Government Pleader

O R D E R

(Order of the Court was made by **S.SRIMATHY, J.**)

This writ petition has been filed directing the first respondent to consider the objection of the petitioner and other villagers by way of undated representation sent on 12.04.2022.



2. The contention of the petitioner is that the respondent Nos. 1 to 3 have issued an Advertisement Notice dated 18.03.2022, wherein, the respondents are taking steps to put up an Anganwadi Centre in Natham Survey No.28/10 of Palur Village, Srirangam Taluk. The contention of the petitioner is that in Palur Village there is an Anganwadi Centre running for the past several years and most of the villagers are Agriculturist and they belong to Scheduled Cast Community and most of them are economically poor persons and the children of the said village are benefited by the Anganwadi Centre and the Anganwadi center number is 33614010109. In the Anganwadi Centre, nearly 30 children are studying and the same is situated in Survey No.28/10 and it is consisting of 0.03.69 Ares and the said survey number is classified as Government Poromboke Noon Meal Centre. In Survey No.28/10 of Palur Village, there is a road in existence and apart from that there is a place called "Ellaichatty Kaavu Kodukkum Thidal" and the vacant place, namely, Thidal is the place where Pidari Amman, Aravayee Amman Temple scarification of goats will be conducted and the Anganwadi is situated in one portion of the said Survey number. On 10.04.2022, A1-Advertisement Notice dated 18.03.2022, was issued by the fourth respondent describing that the Government Poromboke Anganwadi Centre land in Natham Survey No.28/10 to the extent of hectare 0.03.69 Ares will be transferred to Social Welfare Department for the construction of Child Development Project office and has invited the villagers to give written objections for the said proposal within 15 days. The villagers have submitted the objections on 12.04.2022 stating that the above said land is a Natham land and the portion of the land is used by the villagers for "Ellaichatty Kavvu Kodukkum Thidal" during the Sri Pidari Ammachi Aravayee Amman Thiruvizha celebration, where more than 1000 people will be gathered during the festival and it is one of the important event with regard to the festival and depriving the villagers from the said usage will affect the religious faith and rituals of the villagers and the same will violate the fundamental rights of the villagers. Therefore, the respondents cannot carry on any construction in the said place which is used as sacrificing Thidal. Hence the petitioner have come up with this writ petition.

3. The respondents on instructions have submitted that the respondents have issued an advertisement. The petitioner along with others in the villages have submitted objections vide letter dated 12.04.2022 and the respondents will consider and pass orders.

4. The contention of the petitioner is that the said Survey number in 28/10 is used as a sacrificing place where the Pidari Amman Temple festival will be conducted in that place. The said land was put to use for several decades. Since the respondents have not considered the representation of the petitioner, the petitioner has filed this Public Interest Litigation seeking to consider the claim of the petitioner and the villagers. Under Constitution of India,



the Fundamental Rights are guaranteed to profess the religion and to protect the cultural aspect.

5. This Court is of the considered opinion in the present case the villagers in order to profess their religion is using the land in dispute for several decades and it is used as "Ellaichatty Kavu Kodukkum Thidal during the Pidari Amman Aravayee Temple Thidal celebrations where more than 1000 people will be gathered during the said festival. The learned Counsel for the petitioner submitted that the respondents can put up construction in some alternative place and they cannot use the land in question since it is used as a sacrificing Thidal for several decades. Moreover, the said place is classified as Natham and Natham is meant for occupation by the villagers. Since the entire villagers are using this Natham for the social / festival gathering, the respondents have no right to put up any construction for any other purpose. Therefore, this Court is of the considered opinion that the respondents have a duty to protect the people and their rights guaranteed under the Constitution of India. If any land is put to use for any particular purpose for several decades then the respondents have no right to interfere and disturb the peace and harmony of the villagers. The Government is entrusted with the duty to maintain the peace and law and order. The Government themselves cannot be seen violating the rights guaranteed under Constitution of India and thereby creating law and order problems.

6. Hence, with the above observation the following orders are passed:

i)The petitioner has submitted a representation dated 12.04.2022 and the respondents are directed to consider the said representation and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

ii)While passing the order, the above observation stated in paragraph 5 shall be taken into consideration and thereafter, pass an order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar (CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



To

1. The District Collector,
Trichy District,
Trichy.
2. The Revenue Divisional Officer,
Srirangam,
Trichy.
3. The Tahsildar,
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Trichy District.
4. The Revenue Inspector,
Srirangam Taluk,
Trichy District.
5. The Village Administrative Officer,
Palur Village,
Srirangam Taluk, Trichy District.

+1 CC to M/s.N. ANANDAKUMAR, Advocate(SR-23880[F] dated 20/05/2022)

+1 CC to M/s.SPL.GP (SR-23867[F] dated 20/05/2022)

W.P(MD)No.9693 of 2022

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MGJ(02.06.2022) 4P 8C