



W.P.(MD).No.8805 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.8805 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

S.Karuppan @ Chidambara Suryanarayanan,
President,

Vellalar Community Central Society and
Kodikkal Agricultural Society,
Chinnamannur, Theni District.

... Petitioner

Vs.

1.The Commissioner,
Chinnamannur Municipality,
Chinnamannur.

2.Chairman,
Chinnamannur Municipality,
Chinnamannur

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from in any manner entering into and demolish shops situated on the eastern side of Muthalamman temple and in the property measuring about 5 ½ cents comprised in S.No.590/1AA1 and present T.S.no.1 inWard No C in Block 24 in Chinnamannur.



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W.P.(MD).No.8805 of 2015

For Petitioner : Mr.R.Suriya Narayanan
For Respondents : Mr.M.Karuppasamy Pandian

ORDER

The writ petition has been filed seeking a writ of Mandamus, forbearing the respondents from any manner entering into or demolishing shops on the eastern side of Muthalamman temple and in the property measuring about 5 ½ cents in S.No.590/1AA1 and present T.S.no.1 in Ward No C in Block 24 in Chinnamannur.

2.According to the petitioner, the above said land belongs to the temple and apart from the temple they have constructed these shops and all the shops are being assessed to property tax. The petitioner has further contended that a permanent patta has been issued in the name of the Trust for 5 ½ cents. The petitioner has further contended that the property tax is also assessed to, by the shops by the first respondent municipality and the electricity service connection also stands in the name of the petitioner Trust.



W.P.(MD).No.8805 of 2015

3.The learned Counsel for the petitioner has further contended that in the town survey register, erroneously the extent of the survey number has been reduced to 2 cents. The respondents are demanding the balance extent of 3 cents. Hence, the present writ petition is filed.

4.Per contra, learned Counsel appearing for the respondents has contended that the temple is located in 2 cents only and the balance 3 cents is in poramboke and hence, the respondent authorities are entitled to take possession of the same.

5.It is seen from the records that in order to rectify the mistake in the town survey records, the petitioner has presented the application before the RDO on 25.04.2015 and the same is pending before the RDO, Uthamapalayam.

6.In view of the said facts, this Court is inclined to pass the following order:

i.The Muthalamman temple as well as the shops standing in



W.P.(MD).No.8805 of 2015

the name of Muthalamman temple Trust to the extent of 5 ½ cents, shall not be disturbed by the respondents.

ii.The petitioner is directed to file a fresh appeal before the RDO, Uthamapalayam, within four weeks from the date of receipt of a copy of this order, relating to the reduction of the extent of 3 cents in town survey register along with relevant documents and he shall dispose of the same within a period of 12 weeks from the date of receipt of such application after giving due opportunity to the writ petitioner and the first respondent herein.

iii.Till final orders are passed by the RDO, the possession of the writ petitioner for 5½ cents shall not be disturbed by the respondents.

7.Wit the above said observation, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2022

Index : Yes / No
Internet : Yes / No
Tmg



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W.P.(MD).No.8805 of 2015

R.VIJAYAKUMAR ,J.

Tmg

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.

Order made in
W.P.(MD).No.8805 of 2015

24.08.2022