



WEB COPY



W.P.No.24951 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.24951 of 2012

and

M.P.No.1 of 2012

Arulmigu Moolathu Vazhi Mariamman
Sri Peedari Chelliamman Vatta Pillaiyar
Sri Lakshmi Atha and Sri Kanniyar Alayam
Represented by Authorised Trustee,
Kaveripakkam – 632 508
Vellore District.

... Petitioner

Vs.

1.The Executive Officer,
Kaveripakkam Panchayat,
Kaveripakkam – 632 508.

2.The Tahsildar,
Arokonam.
(R2 impleaded as per order dated 19.12.2012)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents or their agent or anybody else from in any way interfering with the peaceful possession and enjoyment of the lands belonged to Lakshmi Athal Temple, Vellore District Kaveripakkam Kondapuram Village in Survey No.9 to an extent of 4 acres .085 cents except by due process of law.



WEB COPY



W.P.No.24951 of 2012

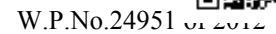
For Petitioner : Mr.V.Ananthakrishnan

For Respondents : Mr.B.Anand, for R1
Mr.K.M.D.Muhilan, for R2
Additional Government Pleader

ORDER

The writ petition has been filed seeking to forbear the respondents or their agent or anybody else from in any way interfering with the peaceful possession and enjoyment of the lands belonged to Lakshmi Athal Temple, Vellore District Kaveripakkam Kondapuram Village in Survey No.9 to an extent of 4 acres .085 cents except by due process of law.

2. The case of the writ petitioner is that the temple is situated in Survey No.9 of the Kaveripakkam Kondapuram Village from time immemorial. The temple was managed by the trustees and according to them, even in the 'A' Register it is shown as temple land, having a total extent of 4.85 cents. Despite the entries in A Registers, patta has not been granted in favour of the petitioner. Further, the panchayat has also passed a resolution dated 15.09.2008, requesting the temple trustees to gift an extent of 2 acres of land belongs to the Lakshmi Athal temple to the panchayat for dumping wastes. However, the same has not materialised, while so, the respondents now make an attempt to dump the waste into the temple land. Hence, the writ petition.



5. Though it is contention of the petitioner that panchayat itself sought allotment of the land by way of resolution that itself clearly indicates that temple is in the possession of the property.



W.P.No.24951 of 2012

WEB COPY

6. Be that as it may, mere alleged possession itself is not a ground to claim title. Admittedly, the 'A' Register produced before this Court in the typed set, show that the property is a Government poramboke land. Now, the photographs shown by the respondents, clearly shows that there is no dumping, as alleged by the petitioner in the writ petition. It is for the petitioner to pursue the remedy before the appropriate authority for seeking patta on the basis of possession. A mandamus without any substance cannot be issued, as a matter of right. Presently from the photographs, it is seen that there is no dumping of waste materials in the temple lands, such view of the matter, no direction could be given.

7. Accordingly, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

07.02.2023

Index :Yes/No

Neutral Citation: Yes / No

AT

To

1.The Executive Officer,
Kaveripakkam Panchayat,
Kaveripakkam – 632 508.

2.The Tahsildar,
Arokonam.



WEB COPY



W.P.No.24951 of 2012

N.SATHISH KUMAR, J.

AT

W.P.No.24951 of 2012 and
M.P.No.1 of 2012

07.02.2023