



W.P.No.26666 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.26666 of 2023

K.C.Muthukumar

Vs.

.. Petitioner

1. The District Collector
District Collectorate
Tiruppur.

2. The Tahsildar
Uthukuli Taluk
Tiruppur District.

3. The Executive Officer
Kunnathur Town Panchayat
Kunnathur, Tiruppur District.

4. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
District Collectorate
Tiruppur.

5. The Executive Officer
Arulmigu Angalamman Thirukovil
Kunnathur, Uthukuli Taluk
Tiruppur District.

.. Respondents



W.P.No.26666 of 2023

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 4 and 5 herein to desist from plotting the vacant land earmarked for Sandhai (Market) belonging to Kunnathur Town Panchayat comprised in S.No.89/1, Kunnathur Village, Uthukuli Taluk, Tiruppur District into commercial plots.

For the Petitioner : Mr.M.R.Thangavel

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 3

Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)
for Respondents 4 & 5

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.R.Thangavel, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 3 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for the respondents 4 and 5.



W.P.No.26666 of 2023

WEB COPY

2. Learned counsel for the petitioner submits that the subject land belongs to Town Panchayat. The temple is trying to lease out the said land by auction. The temple is not concerned with the said land. Road widening is to take place.

3. Learned Special Government Pleader (HR & CE) submits that the temple is existing for more than 90 years. Earlier, the buildings were owned by the temple and leased out to persons. However, with the passage of time, they have collapsed. As such, the temple is now trying to lease out the plots for three years.

4. Learned State Government Pleader submits that the subject property is a Town Panchayat property.

5. If there is dispute as to who is the owner of the subject property, the remedy lies elsewhere to decide the dispute with regard to the title of the land. The parties may avail the remedy as may permissible under law. As far as road widening is concerned, there



W.P.No.26666 of 2023

cannot be any impediment whether the property is owned by the temple or by the Town Panchayat. The work of road widening cannot be stalled.

6. With the aforesaid observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.26097 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

20.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
District Collectorate, Tiruppur.
2. The Tahsildar
Uthukuli Taluk
Tiruppur District.
3. The Executive Officer
Kunnathur Town Panchayat
Kunnathur, Tiruppur District.



W.P.No.26666 of 2023

WEB COPY

4. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
District Collectorate
Tiruppur.
5. The Executive Officer
Arulmigu Angalamman Thirukovil
Kunnathur, Uthukuli Taluk
Tiruppur District.



WEB COPY



W.P.No.26666 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

W.P.No.26666 of 2023

20.09.2023