



W.P.No.34027 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.34027 of 2022
and
W.M.P.No.33487 of 2022

Puravipalayam Sri La Sri Ponmudi
Kodiswamigal Charitable Trust
Represented by its Secretary
M.Ragavender
6/49 B, Kodiswami Mandapa Salai
S.Puravipalayam, Pollachi Taluk
Coimbatore District

.. Petitioner

Vs.

1.The District Collector
Coimbatore
Coimbatore District.

2.The Tahsildar,
Pollachi Taluk, Pollachi
Coimbatore District.

3.The President/Special Officer,
Puravipalayam Panchayat Union,
Puravipalayam, Pollachi Taluk,
Coimbatore District.

4.V.Shanmugasundari

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to remove the unauthorized and illegal construction put up in the government lands comprised in S.F.No. 816/7 and S.F.No. 816/8 situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District in line with the order dated 04.01.2019 passed in W.P.No.26928 of 2018 on the file of this Court and as per the order dated 09.05.2022 in R1/1584047/2021 passed by the Commissioner of Land Administration, Chennai.

For Petitioner : Mr.Shangar Murali

For R1 and R2 : Mr.E.Vijay Anand
Additional Government Pleader

For R3 : Mr.D.Gopal
Government Advocate

ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The Writ Petition is filed for a direction to the respondent to remove the unauthorized and illegal construction put up in the government lands comprised in S.F.No. 816/7 and S.F.No. 816/8 situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District in line with the order dated 04.01.2019 passed in W.P.No.26928 of 2018 on the file of this Court and as per the order dated 09.05.2022 in R1/1584047/2021 passed by the Commissioner of Land Administration, Chennai.

2. Heard Mr.Shangar Murali, learned counsel appearing for the



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petitioner, Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents 1 and 2 as well as Mr.D.Gopal, learned Government Advocate appearing for the 3rd respondent and perused the entire materials on record.

3. The petitioner is claiming to be one of the Trustees of Puravipalayam Sri La Sri Ponmudi Kodiswamigal Charitable Trust. According to the petitioner, the Kodiswami was residing in the upstairs portion of the Zamin Palace comprised in S.F.No.816/9. After his death, a Samadhi was constructed in S.F.No.816/7 and the general public were worshipping therein. A dining hall was constructed and annadanam was performed from the funds collected from the devotees and free food was given to the general public who come to worship the Kodiswamy at his Samadhi. Whiles, the 4th respondent, who is lineal descendant of Puravipalayam Zamin, took over the property and put up the unauthorised construction in the Government Poromboke land and is preventing the devotees from entering the Samadhi for worship. Earlier, one Revathi filed Writ Petition in W.P.No.26928 of 2018. The First Bench of this Court by the order dated 04.01.2019 passed the following order:-

“4. The learned Government Pleader (i/c) appearing



for the respondents 1 to 3 submitted that the official respondents will take appropriate action in respect of the unauthorized construction put up by the 4th respondent.

5. Recording the submission made by the learned Government Pleader (i/w), we direct the official respondents to take appropriate action in accordance with law with regard to the unauthorized construction ut up by the 4th respondent.”

4. Subsequently, in the proceedings for issuance of patta, the Commissioner of Land Administration, Chennai by his Proceedings dated 09.05.2022 cancelled the order of the District Collector, Coimbatore granting patta to the 4th respondent and directed the District Collector, Coimbatore to restore the lands and record the same as 'Natham' in the village records.

5. In view of the earlier order dated 04.01.2019 passed by the First Bench of this Court in W.P.No.26928 of 2018, the respondents 1 to 3 are directed to inspect the property in question after issuing notice to the petitioner as well as 4th respondent, within a period of two weeks from the date of receipt of a copy of this order and if any unauthorised



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construction is found, the respondents 1 to 3 shall take appropriate action in accordance with law within a period of six weeks thereafter.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(V.M.V., J) (V.L.N., J)
01.03.2023

Index : Yes / No
Neutral Citation : Yes / No
dm

To

1. The District Collector
Coimbatore
Coimbatore District.
2. The Tahsildar,
Pollachi Taluk, Pollachi
Coimbatore District.
3. The President/Special Officer,
Puravipalayam Panchayat Union,
Puravipalayam, Pollachi Taluk,
Coimbatore District.



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V.M.VELUMANI, J.
and
V.LAKSHMINARAYANAN, J.

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