



W.P(MD)Nos.1614, 24340 and 24343 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.1614, 24340 and 24343 of 2023

and

W.M.P.(MD)Nos.1463, 20554, 20555 and 20557 of 2023

W.P.(MD)No.1614 of 2023:-

Annaperumaayee

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Madurai – 625 020.
- 2.The Revenue Divisional Officer,
Usilampatti, Usilampatti Town,
Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 4.The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.
- 5.The President,
Seemanuthu Village Panchayat,
Maamarathupatti, Usilampatti Taluk,
Madurai District.



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6.Pandi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent herein provide the 20 feet approachable Road in the common land bearing Survey No.97/27, Seemanuthu Village, Usilampatti Taluk, Madurai District by marking it in the FMB sketch by considering the petitioner's representation date 12.01.2023 within the time fixed by this Court.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R4.
Mr.C.Senthilmuguan for R6.
Mr.J.Ashok for R5.

W.P.(MD)No.24340 of 2023:-

Annaperumaayee

... Petitioner

Vs.

- 1.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 2.The Firka Surveyor,
Usilampatti Taluk,
Madurai District.
- 3.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

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4.Pandi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the 1st Respondent proceedings in Moo.Mu.No.A4/2185/2023, dated 13.07.2023 and quash the same as illegal.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.A.Albert James,
Govt. Advocate for R3.
Mr.M.Karthikeya Venkatachalapathy for R4.

W.P.(MD)No.24343 of 2023:-

P.Jeyaram

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Revenue Division, Usilampatti,
Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk Office,
Usilampatti, Madurai District.

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4.The Taluk Surveyor,
Usilampatti Taluk Office,
Usilampatti, Madurai District.

5.Pandi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents 3 and 4 from in any way proceeding with the survey work in respect of the property comprised in Survey No.97/27 with respective to an extent of 20 feet common pathway situated at Mamarathupatti village, Usilampatti taluk, Madurai District by laying the boundary stones and further direct the respondents 1 to 4 to provide 20 feet common pathway in Survey Number 97/27 Mamarathupatti village.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 to R4.
Mr.M.Karthikeya Venkatachalapathy for R5.

COMMON ORDER

The issue raised in these writ petitions is one and the same.

S.No.97/27, Seemanuthu Village has been classified as “temple”. One



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Pandi who claims to be the poojari of the temple filed W.P.(MD)No.3004 of 2023 for conducting survey. This is opposed by the writ petitioners herein.

2.When the revenue record categorically mentions S.No.97/27 as a temple, it has to be specifically earmarked. No construction will be allowed to come up in S.No.97/27. The extent has been mentioned as 0.01.0 hac. It appears that a portion of this land is being used by the villagers as a pathway. While the temple land cannot be allowed to be converted as a public pathway, I am of the view that traditional use need not be restricted. This land will not be shown by any private developer as a pathway for accessing their lands. Subject to this, the survey shall be conducted. If necessary, police aid can also be taken. It is seen that only a peedam has been installed in S.No.97/27 beneath a tree. There is no need to fence the property. The existing situation can very well continue. Nothing stops the priest or devotees from continuing to offer worship in the traditional manner. While the pillar stones shall not be laid, the four boundaries can be appropriately marked.



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3.This writ petitions are disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 4.The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.
- 5.The Firka Surveyor,
Usilampatti Taluk,
Madurai District.

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6.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

7.The Taluk Surveyor,
Usilampatti Taluk Office,
Usilampatti, Madurai District.

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