



WP(MD)No.2052 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).No.2052 of 2023

Thiruvenkadam

Petitioner

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.

3.Sankar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 & 2 to grant permission to set up Yagasala to conduct Kumbhabisega Festival of the Arulmigu Sree Sundaramoorthy Vinayagar Temple on a Government land in S.No.198/1 at Uppliappankovil, Thirunageswaram, Kumbakonam Taluk, Thanjavur



WP(MD)No.2052 of 2023

District, based on the petitioner's representation dated 14.01.2023.

For Petitioner : Mr.B.Anandan
For R1 & R2 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R3 : Mr.A.Senthilkumar

ORDER

This writ petition is filed for a Mandamus, directing the respondents 1 & 2 to grant permission to set up Yagasala to conduct Kumbabhisekam festival of Arulmigu Sree Sundaramoorthy Vinayagar Temple in the temple's adjacent Government land in S.No.198/1, by considering his representation dated 14.01.2023.

2.The learned counsel appearing for the petitioner submits that Arulmigu Sree Sundaramoorthy Vinayagar Temple is in existence from time immemorial in S.No.198/2 to an extent of 1 ½ cents. The villagers have now renovated the temple and they are intending to perform Kumbabhishekam for the temple. For the purpose of conducting Kumbabhishekam, they need a space to put up Yagasala in



WP(MD)No.2052 of 2023

S.No.198/1. The third respondent has raised certain objections, based on which, peace committee was conducted by the Tahsildar. In the peace committee meeting, the Tahsildar has directed the survey Department to conduct the survey, identify the land in S.No.198/1 and to permit the Villagers to put up the Yagasala in S.No.198/1. Therefore, the petitioner has filed this writ petition for a Mandamus claiming that S.No.198/1 is a Government Poramboke land and they require that land during the Kumbabhisekam to put up Yagasala temporarily for a limited period. However, the third respondent has been unnecessarily creating trouble and objecting the constructions for Yagasala and the official respondents are not taking any steps.

3.The learned counsel appearing for the third respondent submits that the third respondent is having a land in S.No.197/1, which is adjacent to the temple and the petitioner is attempting to encroach upon this land in S.No.198/1.



WP(MD)No.2052 of 2023

WEB COPY

4.The Village Administrative officer of the Village is present before this Court. Based on the instructions of the Village Administrative officer, the learned Special Government Pleader submits that the land in S.No.198/1 to an extent of 7 cents is a Government Poramboke land.

5.In view of the above, this Court is inclined to dispose of this writ petition with the following directions:-

- i. The respondents 1 & 2 are directed to permit the Temple committee to put up a Yagasala in S.No.198/1 for the purpose of performance of Kumbabhishekam for a limited period of one week, after identifying the property by conducting a survey. Such exercise shall be completed within a period of 10 days from the date of receipt of a copy of this order. It is made clear that this is only an interim arrangement for conducting



WP(MD)No.2052 of 2023

Kumbabisekam for the temple, which lies in the adjacent land.

After the Kumbabisekam, the structures have to be removed by the petitioner and the land has to be handed over to the Government.

- ii. The Tahsildar is directed to conduct a survey whether this S.No.198/1 is a Government land. If it is a Government land, the Thasildar has to ensure that it is not encroached by either of the party.

6. With the above directions, this writ petition is disposed of. No costs.

11.07.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes
vrn



WP(MD)No.2052 of 2023

WEB COPY

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.



WEB COPY



WP(MD)No.2052 of 2023

B.PUGALENDHI, J.

vrn

Order made in
WP.(MD).No.2052 of 2023

11.07.2023