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W.P.(MD) No.9162 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.9162 of 2023
and
W.M.P.(MD) Nos.8280 & 14292 of 2023**

KR.Ganesan

... Petitioner

-VS-

1.The District Collector
Sivagangai District
Sivagangai

2.The President
Thenneervayal Village Panchayat
Eluvankottai Post
Devakottai Taluk
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents from putting up any construction in land in Survey No.80/2A, Thenneervayal Village, Eluvankottai



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Post, Devakottai Taluk, Sivagangai District, which was purchased for the purpose of extension of drama stage and its connected purposes by way of a registered sale deed dated 14.03.1950.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1
Mr.K.Muthu Ganesa Pandian for R2

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This writ petition is filed for issuance of a writ of mandamus forbearing the respondents from putting up any construction in the land in Survey No.80/2A of Thenneervayal Village, Eluvankottai Post, Devakottai Taluk, Sivagangai District.

2. It is the case of the petitioner that the land in Survey No.80/2A of Thenneervayal Village was originally belonged to his father by way of a registered sale deed dated 14.03.1950. It is the further case of the petitioner that his father, while he was the trustee of his family temple, namely, Sri



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Pananthamudai Ayyanar and Kanjirankaliamman Temple, donated the said land to the villagers for the purpose of constructing a drama stage and its connected activities. It is admitted by the petitioner himself that the vacant land earmarked for drama stage measures an extent of six cents. The grievance of the petitioner is that the Local Body is trying to interfering with the villagers' enjoyment of the land earmarked for construction of a drama stage and started construction activities for the office of the Village Panchayat. Stating that the respondents have illegally reclassified the subject land as “Sarkar Land” to enable the Local Body to put up construction, this writ petition is filed.

3. Learned counsel appearing for the second respondent submitted that the construction put up by the Local Body is in Survey No. 80/2 and not in 80/2A as alleged by the petitioner. It is the further submission of the learned counsel for the second respondent that the construction is being done in the land, which is classified as “Poramboke” and no part of the land donated by the petitioner's father or used by the villagers as drama stage is utilized by the Local Body for their construction in Survey No.80/2.



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4. Learned Government Pleader appearing for the first respondent has produced before this Court the FMB and other revenue records to show that the land, which was earmarked for drama stage, is still available. In the plan, it is indicated that the drama stage and the vacant land around the drama stage, measures an extent of 0.02.58 Hectares.

5. From the FMB given by the first respondent, it is seen that the drama stage is not touched and more than six cents of land is available to the petitioner and the villagers.

6. At this juncture, learned counsel for the petitioner states that the proposed construction by the Local Body is just in front of the drama stage and therefore, it is objectionable.

7. This Court finds that the petitioner's claim is only in respect of the six cents of land, which according to him was purchased by his father for the purpose of construction of a drama stage. The revenue records produced by the first respondent show that said land is still available for the petitioner



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and the villagers in connection with the drama stage. The petitioner cannot have any grievance, if the construction is done by the Local Body in the adjoining land.

8. In that view of the matter, with a direction to the respondents to carry on with the proposed construction without disturbing the six cents of land in Survey No.80/2A as shown in the plan submitted before this Court, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.]

[D.B.C., J.]

18.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The District Collector,
Sivagangai District,
Sivagangai.



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