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W.P.(MD) No.18786 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM:

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

W.P.(MD) No.18786 of 2023

P.Siva Subramanian

... Petitioner

-vs-

- 1.The District Collector
Trichy District
Trichy
- 2.The Assistant Director (Panchayat)
AD Panchayat Office
Collectorate, Trichy District
- 3.The Joint Commissioner
HR & CE Department
Trichy
- 4.The Tahsildhar
Marungapuri Taluk
Trichy District
- 5.The Block Development Officer
Marungapuri Taluk
Trichy District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fourth respondent / Block Development Authority not to construct kitchen building at the place belongs to Sri Mandhai Muthalamman Temple and Sarakodanki Naicker Mandhai is situated in Survey No.400, (Old Survey No.183), at Seegampatti Village, Marungapuri Taluk, Trichy District and further direct to the revenue authority to issue patta in the name of Sri Mandhai Muthalamman Temple and Sarakodanki Naicker Mandhai by way of consider the petitioner representation date 29.04.2023.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.D.Sachi Kumar
Additional Government Pleader for R5

ORDER

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

This writ petition is filed for issuance of a writ of mandamus directing the respondent – Block Development Authority not to construct kitchen building in the place, which belongs to Sri Mandhai Muthalamman Temple and Sarakodanki Naicker Mandhai, in Survey No.400, Old Survey No.



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183 of Seegampatti Village, Marungapuri Taluk, Trichy District and to direct the Revenue Authority to issue patta in the name of Sri Mandhai Muthalamman Temple and Sarakodanki Naicker Mandhai, for the said land, by considering the petitioner's representation dated 29.04.2023.

2. At the outset, this Court is of the view that the prayer in this writ petition itself is misconceived. From the revenue records, it is seen that the entire extent of 1.55.0 Hectares in Old Survey No.183 is classified as “Government Poramboke Land” and it is a property of Government. However, the petitioner states that the total extent of the survey number is a part of Sri Mandhai Muthalamman Temple and Sarakodanki Naicker Mandhai. Further, in support of his claim, the petitioner has not filed any document or verifiable material. The case of the petitioner is that the respondents are trying to extend the adjacent School building to provide a kitchen room for the Noon Meal Scheme. It is also admitted by the petitioner that such extension of School building is for the benefit of the children studying in the School. The petitioner states that the Government starts encroaching into the Temple land with a motive of hurting the villagers' sentiments as well as by denying their enjoyment over the subject land.



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3. This Court finds that the whole case set up by the petitioner appears to be for the benefit of the Poojari or the person, who is doing rituals in the Temple. From the photographs filed in the typed set of papers, this Court is unable to find any permanent structure in the subject land to support the claim made by the petitioner. Therefore, having regard to the fact that the the petitioner is trying to create a right over the subject land, without any document for having semblance of right over the same and no public interest at all is involved in this case for the betterment of the village people, this Court is unable to entertain this writ petition.

4. Hence, this writ petition fails and it is dismissed. No costs.

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

[D.B.C., J.]

03.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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