



W.P.(MD)No.13853 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13853 of 2023

and

W.M.P.(MD)No.11699 of 2023

V.Ramasamy

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Sub Collector,
Aranthangi Taluk,
Pudukkottai District.

3.Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

4.The Block Development Officer,
Aranthangi Panchayat Union,
Aranthangi,
Pudukkottai District.

5.The President,
Avanathankottai Panchayat,
Pudukkottai District.

... Respondents



W.P.(MD)No.13853 of 2023

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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents No.1 to 4 to remove the encroachment such as road and the graveyard in S.F.No.236 to an extent of 5 Hectares and 84 Ares, Avanathankottai Village, Aranthangi Taluk, Pudukkottai District which was classified as Government Poramboke (Kulam) in the revenue records namely Sivankulam Kanmai, restoring the same to its original position and maintain the same free of any encroachment, based on the petitioners representation dated 31.05.2023.

For Petitioner :Mr.AN.Ramanathan

For Respondents :Mr.K.Balasubramanian
Special Government Pleader

ORDER

Heard both sides.

2. The prayer in the writ petition is that Survey No.236, Avanathankottai Village, Aranthangi Taluk, should be left intact and that no road or cremation shed should be put up therein.

3. When the matter was taken up for hearing, the learned Special Government Pleader, on instructions, submitted that Survey No.236 belongs to



W.P.(MD)No.13853 of 2023

Arulmigu Sri Viswanathasamy Temple and that it has been classified as “சிவன்குளம்” and that no road will be laid across the said survey number. The undertaking given by the official respondents is placed on record.

4. Even though such a categorical undertaking has been given by the official respondents, the petitioner's counsel insists that a road had already been unlawfully laid. Since the respondents are continuing to claim that a road has not been laid, we direct the Tahsildar, Aranthangi Taluk to conduct survey and earmark S.F.No.236 with reference to the revenue record as regards its extent and dimension. Four boundaries shall also be marked and survey sketch shall be handed over to the petitioner as well as the temple trustee / fit person. Survey shall be done in their presence. If any road has been laid in Survey No. 236, the same shall be obliterated and the original condition shall be restored.

5. The Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]

08.08.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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W.P.(MD)No.13853 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Sub Collector,
Aranthangi Taluk,
Pudukkottai District.
- 3.Tahsildar,
Aranthangi Taluk,
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- 4.The Block Development Officer,
Aranthangi Panchayat Union,
Aranthangi,
Pudukkottai District.

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