



W.P(MD)No.16235 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16235 of 2022

R.Kaliraj

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti, Thoothukudi District.
- 2.The Tahsildar,
Kayathar Taluk Office,
Thoothukudi District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 4.The Inspector of Police,
Kalagumalai Police Station,
Thoothukudi District.

5.E.Arivan Periyar

... 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 to
2 to permit the petitioner and his villagers to open the Community Hall



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constructed in S.No.260/12 of an extent of 129 Sq.ft at Thulukkaripatti Village South Kalugumalai Post, Kayathar Taluk, Thoothukudi District by considering the representation dated 27.06.2022 within the time stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu,
For Ms.C.R.Ponnuthai

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1 to R4.
Mrs.P.Jessi Jeeva Priya for R5.

ORDER

Heard the learned counsel on either side.

2.A community hall has been constructed in the petition mentioned natham site. It appears that the father of the fifth respondent had made a substantial contribution for the construction of the community hall. The fifth respondent's father is now no more. The fifth respondent is insisting that the community hall should be named after his father. It is not agreeable to the writ petitioner and other villagers. The stand of the villagers is that the community hall has been built at a cost of more than Rs.50 Lakhs and that the contribution of the fifth respondent's father was less than Rs.7 Lakhs. I do not want to go



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into the merits of the controversy. It is also seen that the community hall has been constructed without getting prior permission.

3.I am of the view that it should not be demolished for this reason. The dispute pending between the petitioner and the fifth respondent also should not come in the way of opening the community hall. It should be opened for public use.

4.This Court recognizes the contribution made by the father of the fifth respondent. The fifth respondent can rest content with that. The community hall need not bear the name of any person. When a construction has been built at considerable cost, it is only just and proper that it is opened for public use.

5.The next question that arises for consideration is in whom the administration of the community hall should be vested. The jurisdictional Block Development Officer will take over the administration of the community hall. I make it clear that the community hall shall be kept open for the general use of all the villagers. The building is now under lock and seal. The second respondent is directed to break open the lock and seal and declare that the community hall is dedicated for the use and benefit of Thulukkarpatti villagers.



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6.The writ petition is allowed on these terms. No costs.

20.02.2023

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

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Thoothukudi.
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G.R.SWAMINATHAN, J.

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