



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**02.08.2023**

CORAM:

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

**W.P(MD)NO.18727 OF 2023
and
W.M.P(MD)No.15542 of 2023**

K.Kottaisamy

:Petitioner

.VS.

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Superintendent of Police,
Sivagangai,
Sivagangai.
- 3.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 4.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 5.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.
- 6.The Block Development Officer,
Thiruppuvanam,
Thiruppuvanam Taluk,
Sivagangai District.

:Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 to 5 to permit the construction of Police Station in S.No.176/1, 186 and 187 in Keeladi Village, Thiruppuvanam Taluk, Sivagangai District based on the Petitioner's representation, dated 13.7.2023.

For Petitioner	:Mr.S.Vellaichamy
For Respondents 1 to 5	:Mr.P.Thilak Kumar Government Pleader
For Respondent-6	:Mr.J.K.Kayaseelan Government Advocate

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus forbearing the respondents 1 to 5 to permit the construction of Police Station in S.No.176/1, 186 and 187 in Keeladi Village, Thiruppuvanam Taluk, Sivagangai District based on the Petitioner's representation, dated 13.7.2023.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 5 and Mr.J.K.Jayaseelan, learned Government Advocate takes notice for the sixth respondent. By consent of both parties, the Writ Petition is taken up for final



disposal, at the admission stage itself.

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3.It is the case of the Writ Petitioner that he is the Village Headman of Keeladi Village holding the post by hereditary. It is the grievance of the Petitioner that the property in S.No.176/1 which has been chosen to construct a Police Station in the above Village is the property attached to the temple and that therefore, the Petitioner has raised serious objections for the same. It is further contended that as per the revenue rules, "Kalam Poramboke" cannot be used for any other purpose by the respondents. It is also stated that the land which was used by the villagers for storage of paddy and to dry the same and for other agricultural works has been wrongly identified for establishment of a Police Station and that therefore the project of the respondents has to be stalled. He also states that the land in S.No.176/1 which is lying in front of the temple and the village people are claiming the property as a land attached to the temple for their religious activities. This Court is unable to find any substance in the submission made by the learned counsel for the Petitioner or in the grounds raised in the Writ Petition.



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4.The Petitioner and other villagers earlier claim that the property in S.No.176/1, 186 and 187 are Kovil Maniam lands which belong to the temple and on that ground, he filed a Writ Petition in W.P.No.27095 of 2022 to remove the encroachment in the said land, which according to the Petitioner, is the land which was given to the Petitioner, as a grant. This Court, while disposing the above Writ Petition, directed the respondents to consider the representations of the Petitioner, dated 30.7.2021 and 5.11.2022. The representations of the Petitioner was considered by the District Revenue Officer by proceedings, dated 18.7.2023. The District Revenue Officer has found that the Petitioner's claim cannot be accepted as the land in S.No.176/1, 186 and 187 are Poramboke lands and that the request of the village people to change the revenue records and to change the patta in the name of the temple, cannot be considered. Despite the representation of the villagers and people like that of the Petitioner, who claimed title in favour of the temple, is rejected by the respondents, the Petitioner has come forward with the above Writ Petition only on the ground that the property should be used only in relation to the affairs of the temple. The land is admittedly a Government Poramboke land. It is for the respondents to decide whether this land can be used



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for any other public purpose. Though the contention of the Petitioner is that the land classified as "Kalam", the same cannot be used for any other purpose other than for Kalam, the Petitioner has not produced any Revenue Standing Orders or Government Orders to sustain such an argument. Classification of the land in S.No.176/1 shows that it is a Kalam Poramboke. However, the communal land vest with the Government free from any encumbrance and it is for the Government to use it for any other public purpose, if it is so required.

5.Despite the District Revenue Officer has given a categorical finding rejecting the claim of the Petitioner, the Petitioner and the villagers cannot question the same and have not filed any suit. In such circumstances, taking note of the conscious attempt made by the Petitioner claiming title in respect of the above lands in favour of the temple in the earlier Writ Petition and the attempt to stall the public project by making a false claim of title, despite the decision taken by the District Revenue Officer, this Court finds that the Petitioner has come forward with the above Writ Petition with an oblique motive.



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6.Hence, this Writ Petition is dismissed with cost of Rs. 15,000/-(Rupees fifteen thousand only) payable by the Petitioner within a period of two weeks from the date of receipt of a copy of this order to the Account No.7567821433 opened by the Registrar Judicial of this Court in the Indian Bank, High Court Branch, Madurai for donating law books to a separate section in the name of "Madurai Bench of Madras High Court" in "Kalaingar Centenary Library, Madurai". Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C,J.]
02.08.2023

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

vsn

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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

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