



W.P(MD)No.8135 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8135 of 2014 and
MP(MD) No.1 of 2014

P.Arunagiri

...Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Karur District,
Karur.
- 2.The Tahsildar,
Karur Taluk,
Karur District.
- 3.The Authorised Officer and
The District Revenue Officer (Land Acquisition),
National Highways No.67,
Karur,
Karur District.
- 4.The Project Director,
National Highways Authority,
Door No.10, Kamadenu Nagar,
Karur – 639 001.



W.P(MD)No.8135 of 2014

5.The District Education Officer,
Collectorate Campus,
Karur – 5.

6.The District Elementary Schools Educational Officer,
Collectorate Campus,
Karur – 5.

7.The Tahsildar (Regular),
Manmangalam Taluk Office,
Manmangalam Revenue Office Campus,
Karur District.

...Respondents

(R7 is impleaded vide Court order dated 21.04.2021 in WMP(MD) No.4966/2017 in WP(MD) No.8135/2014 by NAVJ)

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 & 2 to take further action on the petitioner's representation dated 14.01.2013 by vacating the building belongs to respondents 3 to 6 from the petitioner's Nanjai lands comprised in S.No.593 of LN Samuthiram, Karur and hand over the same to the petitioner.

For Petitioner	:Mr.G.Ramadurai
For R1 to R3, R5 & R6	:Mr.G.V.Vairam Santhosh
	Additional Government Pleader
For R4	:Mr.C.Arulvadivel for
	Mr.S.Sankara Pandian
Advocate Commissioner:	Mr.Niranjan S.Kumar



W.P(MD)No.8135 of 2014

ORDER

WEB COPY

The petitioner claiming to be a hereditary Trustee of Arulmighu Muniappan Koil, situate at Lakshmi Narayana Samuthiram, Karur District has filed this writ petition that the land in Survey No.593 of Lakshmi Narayana Samuthiram, Karur to an extent of 1 acre and 17 cents belonged to his great grand father, namely Palaniyandi. Subsequently, it was devolved to him and they have established a Muniappan Temple in Survey No.593 (RS.No. 561) and this temple is also in existence for more than 100 years. The ancestors of the petitioner have donated some lands to the Panchayat in the year 1993 for establishing a School for the welfare of the Village people. While so, now the petitioner submits that the second respondent Tahsildar, Karur has wrongly allotted this Nanja land to the respondents 3 to 6 for establishing National Highway Road and for construction of a School building. Therefore, the petitioner has submitted a representation dated 12.07.1994 to the respondents 1 & 2, to remove the Government encroachments from the petitioner's land in S.No.593, Lakshminarayana Samuthiram and



W.P(MD)No.8135 of 2014

the second respondent/Tahsildar has also conducted an enquiry and passed orders in the year 1998, directing all the Government encroachments made in the petitioner's land in S.No.593, Lakshminarayana Samuthiram have to be removed and the physical possession of the land has to be handed over to the petitioner, the pattadar, namely, Arunagiri.

2. With a grievance that the National Highways has laid a road in the petitioner's patta land, the petitioner has filed a writ petition in the year 2014 to direct the respondents 1 & 2 to consider his representation dated 14.01.2013 by vacating the buildings belonging to the respondents 3 to 6 from his land in S.No.593, Lakshminarayana Samuthiram, Karur.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3, 5 to 7, on written instructions, which he has received from the respondents submits on scrutiny of records pertaining to the land in S.No.593, it is revealed that as per the



W.P(MD)No.8135 of 2014

Resettlement Register, the land to an extent of 3.29 acres is a Road and as per the UDR Register also, the land to an extent of 1.33.0 in S.No.593/A and 593/B is shown as Government Poramboke Road.

4.The learned counsel appearing for the petitioner has raised objections to the submissions of the learned Additional Government Pleader and also requested this Court for appointment of an Advocate Commissioner. This Court, by order dated, appointed Mr. Niranjan S.Kumar, learned counsel, 100, Law Chambers, Madurai Bench of Madras High Court, Madurai as an Advocate Commissioner to visit the subject land in S.No.593, Lakshminarayana Samuthiram, Karur as well as S.No.593 of Andankovil and to file a report before this Court.

5.The learned Advocate Commissioner has visited both the places and has filed a report and his findings from the report is extracted as under:-

“S.No.593 of Andankovil Revenue Village. This Survey Number lies in Andankovil Revenue Village between the



Madurai to Coimbatore and Madurai to Erode State Highway Road. Arulmegu Muniappan Temple, School, Lakshmi Samuthiram Society lies in this S.No.593 of Andankovil Revenue Village.

S.No.593 of Lakshminarayana Samuthiram Revenue Village. This survey number is now converted into T.S.No. 451/1 and 452/2 and now forms part of Karur Municipality, several apartments, individual houses are situated in the said location.”

6.The learned senior counsel appearing for the fourth respondent/ National Highways submits that this writ petition has been filed in the strength of documents, which have been enclosed in the typed set of papers and it appears to be doubtful and the genuineness of those documents needs to be verified. He further submits that the National Highways has not laid any road in S.No. 593 in Lakshminarayana Samuthiram and Andankovil.

7.Considering the rival submissions made and also on the confirmation by the learned counsel appearing for the National



W.P(MD)No.8135 of 2014

Highways that they have not laid any road in S.No.593 either in

Lakshminarayana Samuthiram or in Andankovil, this Court is

inclined to dispose of this writ petition with the following

directions:-

- i. The petitioner is at liberty to submit a fresh representation to the second respondent along with the relevant documents within a period of two weeks from the date of receipt of a copy of this order.
- ii. If any such representation is made, the Tahsildar concerned shall conduct an enquiry, ascertain the genuineness of the documents relied on by the petitioner, conduct the survey with a help of a surveyor, identify the petitioner's property and pass orders to that effect within a period of twelve weeks from thereon.
- iii. If the petitioner is not filing any representation along with the documents within a period of two weeks, the Tahsildar shall *suo motu* conduct the



W.P(MD)No.8135 of 2014

enquiry based on the documents filed by the petitioner before this Court and take appropriate action as against this petitioner, provided, if he has filed this writ petition with fake documents.

8. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

16.06.2023

Index: Yes
Internet: Yes
vrn



W.P(MD)No.8135 of 2014

To

WEB COPY

1. The District Collector,
Collectorate Office,
Karur District,
Karur.
2. The Tahsildar,
Karur Taluk,
Karur District.
3. The Authorised Officer and
The District Revenue Officer (Land Acquisition),
National Highways No.67,
Karur,
Karur District.
4. The Project Director,
National Highways Authority,
Door No.10, Kamadenu Nagar,
Karur – 639 001.
5. The District Education Officer,
Collectorate Campus,
Karur – 5.
6. The District Elementary Schools Educational Officer,
Collectorate Campus,
Karur – 5.
7. The Tahsildar (Regular),
Manmangalam Taluk Office,
Manmangalam Revenue Office Campus,
Karur District.



WEB COPY



W.P(MD)No.8135 of 2014

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.8135 of 2014 and
MP(MD) No.1 of 2014

16.06.2023