



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3445 of 2015 AND

M.P.(MD)Nos.1 to 3 of 2015

Samy.Narayanasamy

... Petitioner

Vs.

1. The Tahsildar,
Pattukottai Taluk,
Thanjavur.

2. The Executive Officer,
Arulmigu Abyavaratheswarar temple,
Pattukottai Taluk,
Thanjavur District.

3. Gunasekaran

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent Tho.Mu.Pa.Maa.3056/2010 Aa-8 dated 31.12.2010 and the consequential order in T.K.8A 547/1420/A8 dated 09.02.211 and quash the same and consequently restore the sub-division of S.No.338/3 and patta to its original position.

For Petitioner : Mr.H.Arumugam

For R-1 : Mr.D.Gandhiraj,
Special Government Pleader.

For R-2 : Mr.V.K.Vijayaraghavan

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ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that the authorities could not have issued patta in favour of the second respondent temple in respect of the land that was originally classified as “Andikulam”. Before I could examine the contentions advanced by the learned counsel appearing for the petitioner, my attention has been drawn to the order dated 14.08.2014 made in W.P.(MD)No.13450 of 2014. The learned counsel appearing for the petitioner has fairly enclosed a copy of the same in the typed set of papers. The writ petitioner herein had filed the said writ petition. The prayer in the present writ petition as well as in the earlier writ petition are one and the same. The subject matter pertains to the present writ petition and the earlier writ petition are one and the same. The said writ petition was dismissed by this court in the following terms:-

“ 4. The petitioner claims that he is permanently residing with his family in the said land for about 60 years and erroneously, the



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fourth respondent sub-divided a portion of the property and granted patta in favour of the fifth respondent temple by an order, dated 31.12.2010. This, according to the petitioner, is erroneous and in violation of principles of natural justice and therefore, the petitioner seeks for restoration of the patta in the name of Andikulam poramboke.

5. Admittedly, the petitioner is an encroacher of Government land and the question of granting patta in respect of a Government land in favour of the petitioner cannot be compelled to be made by issuance of a writ of Mandamus. That apart, sub-division has been made and an order has been passed in the year 2010 in favour of the fifth respondent, unless and until, the petitioner has locus standi to challenge the said sub-division, the prayer in the writ petition could be considered.

6. The prayer sought for in the writ petition cannot be granted, when the petitioner



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himself has admitted that he is an encroacher of Government land, now cannot seek to challenge the sub-division made in favour of the fifth respondent. Hence, no useful purpose would be served by directing the third respondent to consider his application, since the plea raised in the application itself is without any legal basis and thoroughly misconceived. In the absence of any case, Writ of Mandamus as sought for cannot be granted.

Accordingly, the writ petition is dismissed. No costs. ”

3. I therefore sustain the objections raised by the learned Special Government Pleader as well as the learned Standing counsel for the temple. The present writ petition is not maintainable. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

31.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD)NO.3445 OF 2015

To:

The Tahsildar,
Pattukottai Taluk,
Thanjavur.



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G.R.SWAMINATHAN,J.

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