



WP (MD) No.21679 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.21679 of 2023

and

WMP(MD)No.18072 of 2023

Suresh Kumar

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Arulmighu Sri Subramaniaswamy Thirukkivil,
Valliyoor,
Tirunelveli District.

3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4.The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent to allot alternate land



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on the basis of decisions taken in the peace committee meeting held on 16.03.2023 within the time stipulated by this Court by considering the petitioner's representation dated 16.07.2023.

For petitioner : Mr.Sathyachidambaram
For Respondent : Mr.P.Subburaj,
No.1 Special Government Pleader
For Respondent : Mr.B.Thanga Aravindh,
Nos.3 and 4 Government Advocate (Crlside)

ORDER

The petitioner has obtained the lease of a temple land in Survey No.1332 of Valliyoor to an extent to an extent of 2.43 Ares by way of a lease agreement on 13.06.2022 and he has also paid the lease amount of Rs.1,94,078/- to the temple. This land is situated near Nambiyan Vilai village. A person from Nambiyan Vilai Village had affairs with the relative of this petitioner's family and the said person was murdered by the petitioner's relatives on account of the love affairs. In this regard a criminal case has been registered in Crime No.71 of 2015 in Panangudi Police Station. Subsequently, there was a law and order problem and therefore, the issue was referred to the Tahsildar for peace committee meeting. In the peace committee meeting, the petitioner has made a request to provide alternate site and



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also agreed to hand over the allotted land to the HR and CE Department.

The Executive Officer, Valliyoor has agreed in the peace committee meeting that the suitable land will be provided to the petitioner as an alternative within a period of six weeks from the date of receipt of a copy of this order. This peace committee meeting resolution dated 16.03.2023 has not been given effect. Therefore, the petitioner has filed this writ petition for a writ of mandamus directing the 2nd respondent to allot an alternate land based on the decision taken in the peace committee meeting on 16.03.2023.

2.The learned Special Government Pleader appearing the 2nd respondent submits that there is no alternate land available with the department and it is not feasible to allot alternate land.

3.The learned Government Advocate (Crl Side) appearing for respondents 3 and 4 submits that due to the registration of the criminal case, there is a dispute between the petitioner's village and the rival group.

4.The petitioner has entered into a lease agreement with the temple land on 13.06.2022. Pursuant to this agreement, the petitioner has also paid a sum of



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Rs.1,94,078/-. However, the petitioner cannot enjoy the property in view of the problems created by the adjacent villagers. Now the 6th respondent has taken a stand that they are not having any alternate land. In the event of there is no alternate land available, the respondents shall return the lease amount paid by the petitioner to him within a period of six weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

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

dsk



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To

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Tirunelveli District.
- 3.The Superintendent of Police,
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Tirunelveli.
- 4.The Inspector of Police,
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B.PUGALENDHI, J.

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