



W.P(MD)No.17350 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.17350 of 2016 and
WMP(MD) No.14556 of 2016

P.Ganesan

...Petitioner

Vs.

1.The Commissioner,
Commissionerate of Municipal Administration,
6th Floor, Ezhilagam Annex Building,
Kamarajar Salai,
Chepauk, Chennai – 600 005.

2.The District Collector,
Tirunelveli,
Tirunelveli District.

3.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

4.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.

5.The Commissioner,
Sankarankovil Municipality,



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Sankarankovil,
Tirunelveli District.

6.The Election Officer,
219 Sankarankovil (Reserved) Legislative Constituency,
cum Assistant Commissioner (Excise),
Tirunelveli District. ...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 and 5 to implement the proceedings of the sixth respondent in Na.Ka.X.7/58201-15, dated 22.04.2016, by considering the petitioner's representation dated 17.06.2016 and 26.08.2016.

For Petitioner : Mr.R.J.Karthick
For R1 to R4 & R6 : Mr.M.Sarangan
Additional Government Pleader
For R5 : Mr.P.Mahendran

ORDER

This writ petition is filed in the year 2016 for a Mandamus, to implement the proceedings of the sixth respondent in Na.Ka.X.7/58201-15, dated 22.04.2016, by considering the petitioner's representations dated 17.06.2016 and 26.08.2016.



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2.The learned counsel appearing for the petitioner submits that the land measuring to an extent of 2.11.0 hectares in Sankarankovil Town, Tirunelveli District was acquired in between 1967 to 1969 for formation of Kakkan Nagar, which was meant for Pallar, Paraiyar, Arunthathiyar and Puthirai Vannar community people. Out of 2.11.0 hectares, 17.5 cents of land in old Survey No. 316/3A, T.S.No.146 Ward B, Block No.33 has been allotted for the benefit of all Adidraavidar community people. However, the land is utilized by a Paraiyar community people alone and the fifth respondent has effected the changes in the records accordingly. The fifth respondent has also accorded permission to construct shops in the above said land. The petitioner, being an aggrieved community person has submitted a representation to the fifth respondent, objecting the permission granted by them. With regard to this issue, a peace committee meeting was held on 19.04.2016 and an enquiry was also conducted. The enquiry revealed that the subject land of 17.5 cents is classified as common purpose land and during the town



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survey alone, the classification has been changed, based on which, permission was granted for construction of a shopping complex in that land. Based on the enquiry report, the sixth respondent has issued a proceedings, dated 22.04.2016 citing all the above facts and directed to take action against the officials of the fifth respondent, who had accorded building plan approval. The grievance of the petitioner is that even after the issuance of proceedings by the sixth respondent in the year 2016, no action has been taken by the authorities. Hence, this petition.

3. Pending this writ petition, the petitioner has filed a Miscellaneous Petition in WMP(MD) No.14556 of 2016 to implead the representatives of a Paraiyar community people, wherein, notice was also ordered on 31.03.2023. However, the petitioner has not even paid batta in WMP(MD) No.14556 of 2016.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 and 6 has produced a revenue record,



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which shows that the subject land in old Survey No.316/3A, T.S.No. 146 is recorded for Paraiyar community people.

5. The grievance of the petitioner is that when the land in old Survey No.316/3A, T.S.No.146 Ward B, Block No.33 to an extent of 17.5 cents belongs to all the Adidravidar community people, the land is utilized by a Paraiyar community people alone. According to the petitioner, with regard to this issue, the sixth respondent has issued a proceedings on 22.06.2016 after conducting an enquiry. However, it was not implemented. This writ petition is pending from the year 2016 and the relief sought for by the petitioner is only to consider his representation for implementation of the sixth respondent's proceedings. The revenue records produced by the respondents reveals that the land belongs to a Paraiyar community people.

6. In view of the above, this writ petition is dismissed. However, if the petitioner is aggrieved, he is at liberty to establish



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his right by filing a suit before the competent civil Court. No costs.

Consequently, connected Miscellaneous Petition is closed.

18.04.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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