



W.P(MD)No.2433 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2433 of 2016

Ragothama Rao

...Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti,
Madurai 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 first respondent to consider the petitioner's representation dated 06.04.2015 requesting the first respondent to remove the water tub constructed by the third respondent on the western side of Kalyana Mandapam in petitioner's land bearing S.No.112, T.Kallupatti



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Peraiyur Taluk, Madurai District, within a time limit fixed by this Court.

For Petitioner : Mr.T.K.Gopalan
For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader
For R3 : Mr.S.Chandrasekar

ORDER

This writ petition was filed for a Mandamus, directing the first respondent to consider the petitioner's representation dated 06.04.2015 and to remove the water tub constructed by the third respondent on the western side of his Kalayana Mandapam in S.No. 112, T.Kallupatti, Peraiyur Taluk, Madurai District.

2.The learned counsel appearing for the petitioner submits that the land in S.No.112 measuring to an extent of 30 cents at T.Kallupatti, Madurai District belongs Ealoor Grama Samuthayam and this petitioner is the President of Ealoor Grama Samuthayam, who is maintaining the property. He has put up a Kalyana Mandapam in the said property. The planning approval for the Kalyana Mandapam has been duly approved by the then Executive



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Officer of the T.Kallupatti Town Panchayat. The petitioner has put up Kalyana Mandapam for several years ago and paying property tax for the same. While so, the third respondent has put up a water tub in that property, in order to create some hindrance to the petitioner's possession and therefore this petitioner has submitted a representation to the concerned authority. Since the representation of the petitioner has not been considered, the petitioner has approached this Court. One of the grievances of the petitioner is that the third respondent, the then President, namely Manickam has constructed the water tub by engaging his father-in-law one Kanthan, a contractor, which is against the provisions of the District Municipality Act.

3.The learned Additional Government Pleader appearing for the respondents 1 & 2 by producing 'A' Register submits that the land in S.No.112 of T.Kallupatti Village belongs to Ealoor Grama Samuthayam and a Nandavanam was also maintained in that place, wherein the water tub was put up for the benefit of the villagers. He



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also claims that a civil suit in O.S.No.71 of 2014 was filed by the Town Panchayat as against this petitioner that not to interfere with the construction put up by the Town Panchayat and the same is pending before the District Munsif Court, Peraiyur.

4.Recording the submissions made by the learned Additional Government Pleader, this writ petition is disposed of with a liberty to the petitioner to work out his remedy in the civil suit, which is pending on the file of the District Munsif Court, Peraiyur. A direction is also hereby issued to the learned District Munsif, Peraiyur to dispose of the Civil Suit in O.S.No.71 of 2014 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. The petitioner shall to submit a fresh representation based on the outcome of the suit. No costs.

05.06.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes

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B.PUGALENDHI, J.

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