



WP(MD)No.5140 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.5140 of 2016

and

WMP(MD)No.4594 of 2016

Thirupattur Panchayat
represented by its President,
Thirupattur Post,
Mannachanallur Taluk,
Trichy District.

... Petitioner

Vs

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Block Development Officer,
(Village Panchayat),
Panchayat Union,
Mannachanallur,
Trichy District.
- 3.The Tahsildar,
Manannachanallur,
Trichy District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Trichy.



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5.The Executive Officer,
Arulmighu Brahamapureeswarar Temple,
Thirupattur,
Mannachanallur Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus directing respondents 4 and 5 herein from interfering with the construction of a building in Survey No.157/5, Thirupattur Village, Mannachanallur Taluk, Trichy, Trichy District.

For Petitioner	: Ms.J.Anandhavalli
For Respondent	: Mr.T.Vilavan Kothai,
Nos.1 to 4	Additional Government Pleader
For Respondent	:Mr.V.Chandrasekar
No.5	

ORDER

This writ petition is filed for a writ of mandamus directing respondents 4 and 5 from interfering with the construction of the building in Survey No.157/5, Thirupattur Village, Mannachanallur Taluk, Trichy, Trichy District.

2.The petitioner is the President of the Thirupattur Village Panchayat. He filed this writ petition claiming



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that the land in S.No.157/5 to an extent of 42 cents in Thirupattur village is classified as Government Poramboke land and the first respondent / the District Collector by his proceedings dated 28.06.2015 granted permission to the petitioner to construct a building under the Mahatma Gandhi National Rural Employment Development Scheme. Accordingly the Block Development Officer, Mannachanallur has granted permission and also issued work order on 01.09.2015 to execute the work in the said land. While so, the 5th respondent has interfered with the work claiming that the property belongs to the temple and has also filed a suit in OS.No.82 of 2016 before the District Munsif Court, Lalgudi as against the petitioner panchayat.

3.The 5th respondent is objecting the work claiming title over the land in S.No.156/1 by referring the suit filed in OS.No.82 of 2016. According to the petitioner the suit is pertaining to the land in Survey Nos.157/1 and 157/2 and therefore, the suit has no relevance with regard to the land in Survey No.157/5. However, by referring the said suit, the 5th respondent temple is objecting the work and therefore, the petitioner has filed this writ petition.



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4.The learned Additional Government Pleader by referring the settlement register of the year 1962 submits that the above land is a government poramboke land and it is classified as 'Anadheenam' and therefore, the District Collector has every right to allot the land for constructing the land by the Panchayat.

5.The learned Counsel appearing for the 5th respondent temple submits that the above lands are temple lands and in the government records, it is specifically mentioned as Brammapureeswarar Temple. In the Settlement Land Register, there is no classification as S.No.157/4. However in the revenue records it is classified as S.No.57/4 and it is referred as Anadheenam.

6.This Court considered the rival submissions and perused the materials placed on record.

7.The petitioner claims right over the property based on the records of the District Collector. The respondents by referring the Settlement Land Register claims that the land in dispute is the government land and is classified as



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Anadheenam. Whereas, the 5th respondent temple claims right over the property by referring the Settlement Land Register.

8.It seems there is some mistakes, which had crept in the records and therefore, the 1st respondent District Collector, Trichy shall conduct and enquiry by calling for the relevant records and provide an opportunity to the 1st petitioner Panchayat and 5th respondent temple and shall pass appropriate orders by correcting the mistakes, if any, within a period of three months from the date of receipt of copy of this order. Till then there shall not be any construction in S.No.157/2.

9.This writ petition is disposed of on the above terms. No costs. Consequently connected miscellaneous petition stands closed.

03.03.2023

Internet : Yes / No

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Trichy.
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Mannachanallur,
Trichy District.
- 3.The Tahsildar,
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- 5.The Executive Officer,
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B. PUGALENDHI, J.

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