



W.P(MD)No.5222 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.5222 of 2016

K.M.Senammal

Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
- 4.The Executive Officer,
Ervadi First Grade Town Panchayat,
Ervadi,
Tirunelveli District.
- 5.Mr.N.Srinivasan,
Power Agent,
Thirukkurungudi Thiru Jeer Mutt,
Thirukkurungudi – 627 115,
Tirunelveli District.

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the third and fourth respondents from interfering the petitioner's peaceful enjoyment and peaceful possession in S.No. 12/4 and S.No.12/5 at Tiruvaranganeri Village, Nanguneri Taluk, Tiruvelveli District till the disposal of petition filed by the fifth respondent Tirukkurungudi Jeer mutt dated 28.10.2013 and 11.11.2014 for rectification of classification that pending before the second respondent.

For Petitioner	:Mr.S.Balamurugan
For R1 to R3	:Mr.T.Vilavankothai Additional Government Pleader
For R4	:No appearance

ORDER

This writ petition is filed for a Mandamus, forbearing the third and fourth respondents from interfering with the petitioner's peaceful possession and enjoyment in S.No.12/4 and S.No.12/5 at Tiruvaranganeri Village, Nanguneri Taluk, Tirunelveli District till the disposal of the petition filed by the fifth respondent Thirukkurungudi Thiru Jeer Mutt.



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2.The learned counsel appearing for the petitioner submits that the property in S.No.12/4 and 12/5 are the properties of the fifth respondent and this petitioner has taken out those lands on lease in the year 1965 and also put up a Mosque in S.No.12/4. The property in S.No.12/5 is the pathway leading to the Mosque. While this being so, the Tahsildar and the Executive Officer/the respondents 4 & 5 have attempted to disturb the peaceful possession and enjoyment of the petitioner's property. Hence, this writ petition.

3.The learned Additional Government Pleader appearing for the respondents submits that the land in Survey No.14/5 to an extent of 0.90 Hectares has been classified as Government Poramboke land and the land in Survey No.12/5 to an extent of 0.52.5 Hectares is classified as pathway poramboke. He further submits that above properties are not belonging to the fifth respondent and the fifth respondent is not having any title over the property.



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4.In response to the submission made by the learned Additional Government Pleader, the learned counsel for the petitioner submits that the fifth respondent has approached the competent authority for change of classification of subject lands and the same is still pending.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner claims that the land in S.Nos.12/4 and 12/5 are the properties of the fifth respondent. However, the same has been disputed by the respondents 3 & 4 that these lands are Government Poramboke. This Court under Article 226 of the Constitution of India, cannot conducted a roving enquiry with regard to the averments made in the writ petition. Hence, this writ petition is dismissed. It is always open to the petitioner to redress his grievance in the manner known to law. No costs. Consequently,



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connected Miscellaneous Petition is closed.

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28.02.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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