



W.P(MD)No.27414 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.11.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

W.P(MD)No.27414 of 2023

Kalaigarnar

.. Petitioner

VS

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
Orathanadu Taluk Office,
Orathanadu,
Thanjavur District.

4.Appangam

5.Vijayan

6.Devarajan

7.Kavi

8.Nethaji

.. Respondents



W.P(MD)No.27414 of 2023

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made in Survey No.213 admeasuring an extent of 2 hectare situated at Kannukudi North Village, Orathanadu Taluk, Thanjavur District which is being used by the people of the petitioner's Village from time immemorial as harvesting and drying paddy yard (நெல் அறுவடை மற்றும் உலரகளம்) by the respondents 4 to 8 and their men based on the representation made by the petitioner dated 08.08.2023 and based on the communication from the first respondent dated 07.09.2018 as well within the time stipulated by this Court.

For Petitioner : Mr.C.Bharathi
For Respondent Nos.1 to 3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] pertains to 'land admeasuring 2 hectares and 34.5 ares (referred to as 2 hectares in the writ prayer) in Survey No.213 of Kannukudi North Village, Orathanadu Taluk, Thanjavur District' [hereinafter 'said land' for the sake of convenience and clarity].



W.P(MD)No.27414 of 2023

WEB COPY

2.Mr.C.Bharathi, learned counsel on record for writ petitioner, who is before us, submits that the captioned matter has been filed as a 'Public Interest Litigation' [hereinafter 'PIL' for the sake of convenience and clarity]. Learned counsel submits that said land is being used for paddy harvesting and paddy drying (ஒநல் அறுவடை மற்றும் உலர்சுளம்).

3.Learned counsel submits that there is a tussle between citizenry of two Villages namely Kannukudi West and Ambalapattu North qua said land. While Ambalapattu North citizenry have been taking the stand that there is a Temple and there is worship, Kannukudi West citizenry have been taking the stand that worship is not being interfered with but further idols should not be placed and further superstructure should not be put up.

4.Learned counsel submits that this position has been recorded atleast in two earlier Peace Committee Meetings, one on 19.08.2014 and another on 18.07.2018. In breach of this, respondents



W.P(MD)No.27414 of 2023

4 to 8 (private respondents) are now putting up a compound wall is the learned counsel's grievance.

5.Issue notice to official respondents.

6.Mr.P.Thilak Kumar, learned Government Pleader, accepts notice for respondents 1 to 3 and learned Government Pleader is instructed by Ms.G.Radhika, Zonal Deputy Tahsildar, Orathanadu Taluk.

7.On instructions, learned Government Pleader submits that a survey of said land is to be made by third respondent on 29.11.2023 and thereafter another Peace Committee Meeting will be held to conclude the matter.

8.Be that as it may, copies of the revenue records shown to us reveal that there has been a subdivision of said land ie., subdivision of Survey No.213 into Survey Nos.213/1 and 213/2. Survey No.213/1



W.P(MD)No.27414 of 2023

has been classified as 'முயல் குளம்' [2 hectares and 09 ares] and Survey

No.213/2 [25.5 ares] has been classified as 'திருமுலஸ்தானகவாமி கோவில்'.

9.In the light of the narrative thus far, the following order is made:

'(i) Let the proposed survey of said land on 29.11.2023 by third respondent be conducted in the presence of representatives of citizenry of both Villages ie., Kannukudi West and Ambalapattu North Village;

(ii) After survey, let the report be placed before first and second respondents;

(iii) Thereafter, another round of Peace Committee Meetings shall be convened and every effort shall be made to forge a conclusion;



W.P(MD)No.27414 of 2023

(iv) The aforementioned exercise shall be

WEB COPY

completed as expeditiously as the business of official respondents would permit but in any event within eight weeks from today ie., by 12.01.2024;

(v) *Status quo* as of today as regards said land

ie., Survey No.213 admeasuring 2 hectares and 25.5 ares shall be maintained for a period of twelve weeks from today ie., upto 09.02.2024;

(vi) This window is to provide opportunity to

any of the parties to carry the matter further depending on the outcome of the survey and Peace Committee Meeting which shall be concluded in eight weeks as mentioned supra;

(vii) This Court is acutely conscious that

captioned WP is being disposed of in the Admission Board when respondents 4 to 8 (private respondents) are not



W.P(MD)No.27414 of 2023

WEB COPY

before us. Therefore, though obvious we make it clear that in the entire aforementioned exercise, respondents 4 to 8 shall be given adequate and ample opportunity to put forth their case. It is also made clear that all the rights and contentions of respondents 4 to 8 stand preserved for this purpose.'

11.Captioned WP is disposed of as closed with aforementioned observations and directives. There shall be no order as to costs.

[M.S.,J.] [R.S.V.,J.]
17.11.2023

Index : Yes/No
Neutral Citation : Yes/No
ps



WEB COPY



W.P(MD)No.27414 of 2023

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.
- 3.The Tahsildar,
Orathanadu Taluk Office,
Orathanadu,
Thanjavur District.



WEB COPY



W.P(MD)No.27414 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

ps

W.P(MD)No.27414 of 2023

17.11.2023