



W.P.No.15265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15265 of 2024

Sri Mayuranathaswamy Uchikala Kattalai Trust,
Trustees rep. By its Power Agent

R.Pandian

No.64/32, E.V.R.Street,
Mayiladuthurai.

.. Petitioner

Vs

The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus restraining the respondent from proceeding with the “water pipeline laying works” in the lands comprised in T.S.No.795/1, Block-20, Ward-6, Mayiladuthurai Town and Taluk, Mayiladuthurai District, without following due process of law.

For Petitioner

: Mr.M.Venkatakrishnan

For Respondent

: Mr.M.Shajahan, Spl.GP



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ORDER

The writ petition has been filed restraining the respondent from proceeding with water pipeline laying works in the lands comprised in T.S.No.795/1, Block-20, Ward-6, Mayiladuthurai, without following due process of law.

2. The petitioner is the power holder of Sri Mayuranathaswamy Uchikala Kattalai Trust. The case of the petitioner is that the said trust was managed by the family members of Rettaimbadi Zamindar, Late AL.VR.P.Veerappa Chettiar @ Thiruppani Chettiar, Devakottai, from the year 1912. It was created to ensure purchase of necessary essentials to perform Uchikala Pooja and other Poojas at Arulmighu Mayuranathaswamy Temple. In order to meet out day to day expenses of Kattalai and other Poojas, they had also purchased agricultural lands in addition to the lands settled in their favour. While being so, some of the persons illegally occupied certain properties and also applied for electricity connection and water connection. The Trust also filed a civil suit in O.S.No.47 of 2019 on the file of the District Munisf Court, Mayiladuthurai and another suit in O.S.No.317 of 2020 for collecting



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rent from the occupants of the said property.

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3. It is seen from the settlement deed dated 22.12.1930 that the property was settled by one Kalyanamaiyar in favour of Pethaperumal Chettiar in order to do some Pooja for the temple. Therefore, it is clear from the settlement deed that the said property was never settled in favour of the petitioner trust. There is no document to show that the said Pethaperumal Chettiar had formed a trust. In the name of the trust, they had also filed a suit to claim rent from the occupants. So far, they have not taken any action to vacate the occupants in the subject property. If the petitioner is really the owner of the subject property, they would have taken steps to vacate the illegal occupants in the manner known to law. But, they failed to do so.

4. The occupants of the subject property applied for electricity connection as well as water connection, which are the basic essential amenities required to lead a peaceful life. In fact, the occupants obtained “No Objection Certificate” from the temple called “Mayuranathaswamy Thirukoil” and thereafter, obtained electricity connection and water connection to their respective premises.



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5. That apart, the trust is represented by its power agent. A perusal of the general power of attorney does not reveal as to how the trust derived title over the property; when the trust was formed; and who formed the said trust. Further, even assuming that the petitioner trust is the owner of the subject property, they cannot prevent the authorities from providing basic amenities, such as, electricity and water, as they are integral part of Right to Life within the meaning of Article 21 of the Constitution of India.

6. For the reasons stated above, the prayer sought for by the petitioner cannot be entertained and accordingly, the writ petition is dismissed as devoid of any merit. No Costs. W.M.P.No.16594 of 2024 is closed.

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To

The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai.

G.K.ILANTHIRAIYAN, J.



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