



W.P.(MD)No.2927 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2927 of 2024

and

W.M.P.(MD)Nos.2927 and 2928 of 2024

The Panchayat President,
Senkeerai Panchayat,
K.Alagu Karuppaiah,
W/o.Karuppaiah,
Senkeerai Village,
Thirumayam Taluk,
Pudukkottai District.

... Petitioner

versus

1. The Government of Tamilnadu,
Rep. by its the Secretary,
Department of the Revenue,
Secretariat,
Chennai.
2. The Director,
Panchayat Raj and Rural Development,
Panagal Building.



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3. The District Collector,
Pudukkottai District,
Pudukkottai.
4. The Assistant Director (Panchayat),
O/o. The Assistant Director,
Collectorate Campus,
Pudukkottai.
5. The Block Development Officer,
O/o. The Block Development Officer,
Arimalam,
Pudukkottai District.
6. The Tahsildar,
O/o. The Tahsildar,
Thirumayam,
Pudukkottai District.
7. The Panchayat President,
Rayavaram Panchayat,
Thirumayam Taluk,
Pudukkottai District.
8. The Subramanian Polytechnic,
Rep. by its Principal,
Subramanian,
S/o.S.P.Vairavan,
Rayavaram,
Thirumayam Taluk,
Pudukkottai District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent dated 19.12.2023 in Se.Mu.Na.No.4466/2022/A2(Oo) and quash the same as illegal and consequently, direct the respondent Nos.1 to 6 to permit the petitioner's Panchayat to collect the necessary tax from the 8th respondent Polytechnic within the time framed by this Court.

For Petitioner : Mr.T.Thirumurugan

For R1 to R4 and R6 : M/s.D.Farjana Ghoushia,
Special Government Pleader

For R5 and R7 : Mr.A.Baskaran,
Additional Government Pleader

ORDER

The petitioner is the President of Senkeerai Panchayat. According to him, the villagers, namely, Senkeerai, Menampatti, Alangudi, Pathaikadu, Ramaragunatha Samuthiram, come under the control of Senkeerai Panchayat. The 8th respondent, namely, the Subramanian Polytechnic, is situated within the jurisdiction of



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Senkeerai Panchayat. The 8th respondent, at the time of constructing this Polytechnic, has obtained building plan approval from the President of Senkeerai Panchayat and they are also paying tax to Senkeerai Panchayat upto the year 2021. In the year 2021, the 7th respondent, namely, the President of Rayavaram Panchayat, has created some problem that the 8th respondent Polytechnic comes under the jurisdiction of Rayavaram Panchayat and demanded the property tax from the 8th respondent Polytechnic. Therefore, the 8th respondent Polytechnic has filed a writ petition before this Court in W.P.(MD)No. 12069 of 2022. This Court, by order dated 12.07.2022, has passed an order directing the District Collector, Pudukkottai, to conduct an enquiry and pass orders as to the jurisdiction of the Panchayat in collecting the property tax from the 8th respondent. Accordingly, the District Collector, Pudukkottai, has conducted an enquiry and passed the impugned order dated 19.12.2023 that the 8th respondent Polytechnic lies within the jurisdiction of the 7th respondent Panchayat. Aggrieved against the same, the petitioner has filed this writ petition.



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2. The learned counsel appearing for the petitioner, by referring the building plan approval given to the 8th respondent and property tax receipts issued in favour of the 8th respondent by the Senkeerai Panchayat, claims that all along, the place in which the 8th respondent Polytechnic situated lies in the jurisdiction of Senkeerai Panchayat and the building plan approval was given by the President of Senkeerai Panchayat and tax was also paid by the 8th respondent Polytechnic in Senkeerai Panchayat. However, all of sudden, by the impugned order, the District Collector, Pudukkottai, has taken a decision that the 8th respondent Polytechnic lies within the jurisdiction of Rayavaram Panchayat, which is against law. Therefore, it needs to be interfered with.

3. The learned counsel appearing for the petitioner further submits that in the year 2021, a survey was conducted and the 3rd respondent/the District Collector, Pudukkottai, has passed an order



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dated 14.06.2021, declaring that the land in Survey No.259/9 and the place namely, Rayaragunathasamuthiram belongs to the 7th respondent.

As against the same, the petitioner has filed a writ petition in W.P. (MD)No.19898 of 2021 before this Court and the same is pending.

While so, the District Administration has decided to shift the Veterinary Hospital, which is situated in Senkeerai Panchayat. As against the same, the petitioner has filed another writ petition in W.P. (MD)No.179 of 2023 and the same is pending before this Court.

Thereafter, in the year 2022, the District Administration has initiated works for Mushroom cultivation and building constructions in the disputed land, against which, the petitioner has also filed another writ petition in W.P.(MD)No.82 of 2023 and the same is also pending before this Court.

4. Ms.D.Farjana Ghoushia, learned Special Government Pleader takes notice for the respondents 1 to 4 and 6.



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5. Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondents 5 and 7 and submits that this issue has been raised before this Court and this Court, in W.P.(MD)No.12069 of 2022, by order dated 12.07.2022, directed the District Collector, Pudukkottai, to conduct an enquiry by providing an opportunity of hearing to the petitioner as well as to the 7th respondent and thereafter, take a decision. Pursuant to the direction of this Court, the District Collector, Pudukkottai, has conducted an enquiry with the Petitioner Panchayat and the 7th respondent Panchayat. Before the District Collector, the 7th respondent has relied on the Government District Gazette, Pudukkottai dated 26.05.1995, wherein, it has been mentioned that the entire village of Rayaragunathasamuthiram is a part of Rayavaram Panchayat; the writ petition filed by the 7th respondent in W.P.No.13834 of 2020 and W.P.No.11479 of 2021 dated 07.01.2021 and the proceedings of the then District Collector in Na.Ka.No.671/ 2020 22(267), dated 14.06.2021, wherein, it was declared that Rayavaram and Rayaragunathasamuthiram were part of Rayavaram Panchayat; the



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letter of the Assistant Director, Pudukkottai Panchayat, in O.Mu.No. 3121/2020/அ2(உள்) dated 24.09.2020, wherein, it is stated that this Rayavaram and Rayaragunathasamuthiram are part of Rayavaram Panchayat; the report of the Tahsildar, Thirumayam, in Na.Ka.No.A1/6868/2020 dated 21.10.2020.

6. The learned Additional Government Advocate further submits that the 8th respondent Polytechnic College is situated in Survey Nos. 83/1, 2, 3, 7, 84/1 to 7, 85/1, 2, 3 and 5, 86/19B, 87/6B, 8B and 9 in the limits of Rayaragunathasamuthiram. He has also referred the Patta issued in favour of the 8th respondent Polytechnic and submits that the land is very much situated in Rayaragunathasamuthiram Panchayat and as per the above mentioned documents, this Rayaragunathasamuthiram also forms part of the Rayapuram Panchayat.

7. The learned Additional Government Pleader submits that the District Collector, Pudukottai, while passing the impugned order, has



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considered all the above documents and also the orders of the Director of Technical Education dated 12.08.2021. He further submits that the licence was issued to the 8th respondent College only as Rayapuram and not as Senkeerai. Therefore, according to the learned Additional Government Pleader, the 8th respondent Polytechnic lies in Rayapuram and not in the petitioner Panchayat.

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

9. It appears that there is a dispute with regard to the collection of tax from the 8th respondent Polytechnic College between the petitioner Panchayat and the 7th respondent Panchayat. This Court, in W.P.No.12069 of 2022, dated 12.07.2022, has directed the District Collector, Pudukkottai to conduct an enquiry. Pursuant to the direction of this Court, the District Collector, Pudukkottai, has also conducted an enquiry by providing an opportunity of hearing to the petitioner as well



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as to the 7th respondent Panchayat. Before the District Collector, Pudukkottai, the 7th respondent Panchayat has relied on the following documents:

(i) The Government District Gazette, Pudukkottai dated 26.05.1995, wherein, it has been mentioned that the entire village of Rayaragunathasamuthiram is a part of Rayavaram Panchayat;

(ii) the writ petition filed by the 7th respondent in W.P.No.13834 of 2020 and W.P.No.11479 of 2021 dated 07.01.2021 and the proceedings of the then District Collector in Na.Ka.No.671/2020 ஂ2(௨௭), dated 14.06.2021, wherein, it was declared that Rayavaram and Rayaragunathasamuthiram were part of Rayavaram Panchayat;

(iii) The letter of the Assistant Director, Pudukkottai Panchayat, in O.Mu.No.3121/2020/ ஂ2(௨௭) dated 24.09.2020, wherein, it is stated that this Rayavaram and Rayaragunathasamuthiram are part of Rayavaram Panchayat;

(iv) The report of the Tahsildar, Thirumayam, in



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Na.Ka.No.A1/6868/2020 dated 21.10.2020.

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Based on the above documents, the District Collector, Pudukkottai, has taken the decision and passed the impugned order dated 19.12.2023 that the 8th respondent Polytechnic lies within the jurisdiction of the 7th respondent Panchayat. The petitioner has not placed any materials other than the building plan approval given to the 8th respondent Polytechnic.

10. Admittedly, the 8th respondent College situates at Rayaragunathasamuthiram. The survey numbers and the patta issued by the Revenue Official disclose that this property is situated at Rayaragunathasamuthiram. This Rayaragunathasamuthiram village forms part of Rayavaram Panchayat, which has also been declared in the Government Gazette of the year 1995. Therefore, this Court is not inclined to interfere with the impugned order passed by the District Collector, Pudukkottai.



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11. Therefore, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

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