



WP(MD). No.10775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.10775 of 2023 and
WMP(MD) No.9477 of 2023**

Thayanur Village Panchayat
rep.. by its Panchayat President
Devi Krishnamoorthy

... Petitioner

Vs

1. The Government of Tamil Nadu,
By It Secretary, Panchayat and Local
Administration Department, Secretariat, Chennai.
2. The Inspector General of Registration,
O/o. the Inspector General of Registration,
No.100, Santhome High Road, Chennai.
3. The District Collector,
Trichy District, Trichy.
4. The Assistant Director (Panchayats),
District Collectorate Campus, Trichy.
5. The Revenue Divisional Officer,
Srirengam Revenue Division, Srirengam, Trichy.
6. The Tahsildar,
Srirengam Taluk, Srirengam, Trichy.



WP(MD). No.10775 of 2023

7. The Block Development Officer,
Manikandam Panchayat Union, Manikandam, Trichy.

8. The Sub Registrar,
Woraiyur Sub Registrar Office, Woraiyur, Trichy.

9. VS.Amarathan.
Managing Partner, VSJ City Properties,
No.47/125, Rar Arcade, Heeber Road,
Beeman Nagar, Trichy - 620 001.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from registration the documents in respect of Survey Numbers 1-21, 147, 148, 156, 157, 158, 159 and 160 which is situated 8th and 9th Ward of Thayanur Village Panchayat as the properties situated in Punganur Village instead of Thayanur Village Panchayat till the enforcement of order of the 3rd respondent (ie.) District Collectors proceedings in Na.Ka. No.A4/1998/2018 dated 14.11.2019, on the basis of petitioners representation dated 31.03.2023.

For Petitioner : No appearance

For Respondents : Mr.M.Siddharthan for R1 to R6&R8
Additional Government Pleader
Mr.D.Boopal for R9

ORDER

The writ petition has been filed for a mandamus forbearing the respondents from registering the documents in respect of Survey Numbers 1-21, 147, 148, 156 to 160, which is situated 8th and 9th Ward



WP(MD). No.10775 of 2023

of Thayanur Village Panchayat as the properties situated in Punganur Village instead of Thayanur Village Panchayat till the enforcement of order of the 3rd respondent (ie.) District Collectors proceedings in Na.Ka. No.A4/1998/2018 dated 14.11.2019, on the basis of petitioner's representation dated 31.03.2023.

2. It is the contention of the petitioner that Thayanur Panchayat was divided into Thayanur Panchayat and Punganur Panchayat in the year 1964 and started functioning from 1965 as Punganur and Thayanur Panchayat. However, boundaries were not decided and lands were not demarcated by the authorities till 1995. Both the panchayats have five wards at the time of division. Now Thayanur Panchayat and Punganur Panchayat are having nine wards respectively. The Special District Gazette, on 13.03.1995, under Section 4(1)(a) of the Tamil Nadu Panchayat Act 1994 and in pursuance of G.O.Ms.No.149 Rural Development Department dated 19.08.1994, village area has been classified and notified the panchayat in respective union in the Trichy District. S.Nos.1 to 12, S.Nos.148 to 216 and S.No.238 measuring hectares 566.44 ares in Thayanur Village were allotted to Punganur



WP(MD). No.10775 of 2023

Panchayat by the 3rd respondent. Similarly, S.Nos.13 to 147, 217 to 237 totally Hectares 717.44 ares were allotted to Punganur Panchayat.

However, the Thayanur Panchayat Board passed a resolution on 06.12.1996 objecting the allotment of survey numbers. Hence, it is the contention of the petitioner that challenging the classifications and the boundaries have not been fixed, a direction is sought to forbear the respondents from registering the documents in respect of S.Nos. 1-21, 147, 148, 156, 157, 158, 159 and 160.

3. Though elaborate counter affidavit has been filed, in Paragraph Nos.7 and 8, it is stated that as follows:

“7. I submit that as per the Tamilnadu District Delimitation, Regulation Rules 2017 dated 12.09.2017, the boundaries of administrative units of Village Panchayat, Panchayat Unions and District Village Panchayat Wards, have been re-fixed and Gazette Notification was issued to this effect. Hence, the 2nd respondent has found out that in as much as the delimitation works pertaining to local bodies has already been completed and there is no possibility for changing the boundaries pertaining to Punganur and Thayanur Village Panchayats.



WP(MD). No.10775 of 2023

8. I submit that as per the Tamilnadu Panchayat Act 1994, there is an appeal remedy against the said order if the petitioner aggrieved to work out his remedy under the provisions lay down Sec.4(3) of Tamilnadu Panchayats Act, 1994, before the Principal Secretary, Rural Development, Government of Tamilnadu. For such appeal, Government has passed an order in G.O.(MS) No.203, Rural Development (C4), Dated 28.09.1999 within 30 days appeal should be filed against the order. Proposal have already been submitted to the Principal Secretary to Government, Rural Development and Panchayat Raj through The Director of RD & PR, Chennai. regarding the entire 25 No. of Village Panchayats and 2 No. of Partially Village Panchayats to be merged with the Corporation Tiruchirappalli vide the District Collector's Letter No.A2/2687/2021 Date:02.12.2021. Hence particularly Thayanur Village Panchayat and Punganur Village Panchayat were included in this Proposal and may be merged with corporation of Tiruchirappalli and these converted into Ward through Government order (Ms) No.106 of dated:17.08.2023.”

4. A perusal of the affidavit as well as counter affidavits shows that merely because one panchayat is not agreeable with the classification for fixing the boundaries for two panchayats, the same cannot be a ground to take away the rights of the individuals from dealing with the properties. If such writ petition is entertained, it will in fact affect the



WP(MD). No.10775 of 2023

constitutional rights of the parties, who own the lands. Classification, boundaries and delimitation are priority of the Government, which has already been notified. Therefore, merely on the basis of the objections of the villagers with regard to the said boundaries, an individual right cannot be curtailed.

5. For these reasons, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

12.09.2024

NCC : Yes/No
Index : Yes/No
RR



WP(MD). No.10775 of 2023

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