



W.P.(MD)No.17960 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.17960 of 2024

and

W.M.P.(MD)No.15394 of 2024

Balamurugan

: Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Taluk Office,
Thiruchuli,
Virudhunagar District,

3.The Block Development Officer,
Panchayat Union,
Narikudi,
Virudhunagar District.



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4.Yuvarani Karthikeyan,
The Panchayat President,
Pulvaikkarai Panchayat,
Pulvaikkarai,
Thiruchuli Taluk,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents from constructing Village Panchayat office or any building at the petitioner's village 'Kalam' situated in Survey No. 160/3 at Pulvaikkarai Village, Thiruchili Taluk, Virudhunagar District and consequently directing them to levelling that 'Kalam' as it was then.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.P.Thilak Kumar

Government Pleader

O R D E R

[Order of the Court was made by R.SURESH KUMAR, J.]

The prayer sought for herein is for a Writ of Mandamus, forbearing the respondents from constructing Village Panchayat



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office or any building at the petitioner's village 'Kalam' situated in Survey No.160/3 at Pulvaikkarai Village, Thiruchili Taluk, Virudhunagar District and for a consequential direction to level that 'Kalam' as it was then.

2.It is the contention of the learned Counsel appearing for the petitioner that Survey No.160/3 at Pulvaikkarai Village, Thiruchili Taluk, Virudhunagar District has been categorised as “Government poramboke” but usage as “Kalam”. “Kalam” is nothing but a threshing shed which has been used by the agriculturists in the village which cannot be utilised by anyone for any other purpose. When that being so, a Panchayat Office building is proposed to be constructed and if at all the construction is completed, the usage of the Kalam would get affected, thereby the agriculturists in the locality also would get affected.

3.However, learned Government Pleader appearing for the official respondents, on instructions would submit that, the land admittedly belongs to the Government. The usage was Kalam. The total extent of the land is 1.23 acres, out of which only 4 cents is carved out for the purpose of constructing a new Panchayat Office building which is an essential one as presently the Panchayat Office



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is functioning in a temporary building. He would also submit that the 4 cents land where the Panchayat Office building is proposed to be constructed would not affect the usage area of 1.19 acres ie., remaining land in the total extent of 1.23 acres in Survey No.160/3. Therefore, the allegation now made by the petitioner is without any basis, he contended.

4.Having regard to the aforestated and taking note of the submissions made by the learned Counsel on either side, we are inclined to dispose of this Writ Petition with the following order:

“that in Survey No.160/3, the respondent Panchayat can go ahead with the construction after getting necessary permission from the Government for construction of the Panchayat Office Building by carving out 4 cents of land in the entire stretch of 1.23 acres, so that the remaining land could not be affected for continuous usage of threshing shed ie., Kalam. It is made clear that administrative sanction if it is given for construction of the Panchayat Office building in the 4 cents of land, it is open to the Panchayat to proceed with the construction.”



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5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]
31.07.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

MR

ORDER MADE IN
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