



W.P.(MD) No.19973 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

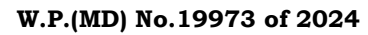
**W.P.(MD) No.19973 of 2024
and
W.M.P(MD)no.16949 of 2024**

Kamaraj

... Petitioner

-VS-

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Kovilpatti Division,
Thoothukudi District.
- 4.The Thashildar,
Ottapidaram Taluk,
Thoothukudi District.
- 5.The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
- 6.Ravikumar
- 7.Serma Ponselvi
- 8.Mathiyalagan
- 9.Balakrishnan



... Respondents

For Petitioner : Mr.S.Vishnuvardhan

For R-1 to R-4 : Mr.P.Thilakkumar,
Government Pleader

For R-5 : Mr.Vaikam M.Karunanidhi,
Government Advocate(Crl. Side)

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

2. Mr.Vaikam M.Karunanidhi, learned Government Advocate(Crl. Side) takes notice for the fifth respondent.



W.P.(MD) No.19973 of 2024

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3. This writ petition is filed seeking a Writ of Mandamus, directing the respondents 1 to 5 to forbear the 10th respondent from constructing a cell phone tower in the temple property situated in Survey No.187/1 of Katcheri Thalavaipuram Village, Ottapidaram Taluk, Thoothukudi District by considering the petitioner's representation dated 01.07.2024.

4. The petitioner claims that the respondents 6 to 9 are not Trustees of the Trust to which the property belongs. Hence, according to him, the agreement between the tenth respondent and respondents 6 to 9 is not valid. Therefore, the construction of the cell phone tower in the property belonging to the Trust should be stopped.

5. The issue whether the respondents 6 to 9 are the Trustees of the Trust to which the property admittedly belongs, cannot be resolved in a proceedings under Article 226 of the Constitution of India. Admittedly, the revenue records stood in the name of Naadar Trust and Mariappa Nadar who was a Trustee is no more. The respondents 6 to 9 claiming to be the Trustees of Naadar Trust, executed the lease deeds.



W.P.(MD) No.19973 of 2024

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6. If the petitioner has any grievance about the claim of respondents 6 to 9, it is for the petitioner to institute appropriate civil suit and establish his rights. Hence, this Public Interest Litigation cannot be maintained and it is accordingly, dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.08.2024

NCC : Yes/ No

Index : Yes/ No

Internet : Yes

PM

To:

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Revenue Divisional Officer,
Kovilpatti Division,
Thoothukudi District.

4.The Thashildar,
Ottapidaram Taluk,
Thoothukudi District.

5.The Inspector of Police,
Ottapidaram Police Station,



W.P.(MD) No.19973 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

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