



W.P.(MD) No.23482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM:

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

**W.P.(MD) No.23482 of 2024
and
W.M.P.(MD)No.19877 of 2024**

M.Manikandan

... Petitioner

-VS-

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Thirumangalam Division,
Madurai District.
- 3.The Block Development Officer,
Thirumangalam Union,
Madurai District.
- 4.The President,
Thayaneri Karisalpatti Panchayat,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from constructing the Panchayat Office Building in S.No.98/1, Thayaneri Karisalpatti Village, Alampatti Post, Thirumangalam, Madurai District, based on the petitioners representation dated 23.09.2024.



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W.P.(MD) No.23482 of 2024

For Petitioner
For Respondents

: Mr.Bhagavath Srinath
: Mr.P.Thilakkumar
Government Pleader

ORDER

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

Mr.P.Thilakkumar, learned Government Pleader takes notice for the respondents.

2.It is the complaint of the petitioner that the respondents are constructing Panchayat Office in Survey No.98/1, which is classified as களம் (Thrashing Floor).

3.The President of the Thayaneri Karisalpatti Panchayat/fourth respondent has filed a counter affidavit, wherein it is stated that the entire area of Survey No.98/1, is about 21 Ares equivalent to 52 Cents. Out of which, an extent of 7.81 Ares has already been built up and of the remaining extent about 93 Centiares equivalent to about 1000 square feet is to be used for construction of Panchayat Office. Even after construction of the Panchayat Office, there would still be an extent of 12.26 Ares equivalent to 30.35 cents, which could be used as Kalam (களம்). No doubt, the land classified as Kalam (களம்) is a communal property and using it for other purpose is ordinarily impermissible.



W.P.(MD) No.23482 of 2024

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4.However, considering the fact that the Panchayat Office is also used for public purpose, we are unable to fault the authorities for putting up a construction in the land classified as Kalam (களம்). We however, make it clear that no further construction for any purpose, be it public utility, shall be put up in Survey No.98/1 and the remaining extent shall not built upon and it shall be used only for purpose of Kalam (களம்), not otherwise.

5.The Writ Petition is disposed of with the above observation. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

14.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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W.P.(MD) No.23482 of 2024

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