



W.P(MD)No.23967 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23967 of 2024

and

W.M.P.(MD)No.20301 of 2024

A.Ramasamy

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District, Thanjavur.
- 2.The District Revenue Officer,
Thanjavur District, Thanjavur.
- 3.The Revenue Divisional Officer,
Pattukottai Revenue Division,
Thanjavur District.
- 4.The Tahsildar,
Thiruvonam Taluk,
Thanjavur District.
- 5.The Block Development Officer,
Thiruvonam Panchayat Union,
Thanjavur District.
- 6.The Village Administrative Officer,
31, Periyakottaikadu Revenue Village,
Thiruvonam Taluk, Thanjavur District.
- 7.The President,
Vengarai Panchayat,



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Thiruvonam Taluk,
Thanjavur District.

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8.R.Shanmugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents not to make any construction without proper approval in S.F.No.615/27 to an extent of 0.00.95 hectares situated at Periyakottaikadu Revenue Village, Chinnakottaikadu, Thiruvonam Taluk, Thanjavur District as per the provisions contemplated under the Rule 4(3) of Tamil Nadu Panchayat Building Rules, 1997, based on the petitioner's representation dated 26.09.2024.

For Petitioner : Mr.A.N.Ramanathan
For R1 to R4 : Mr.D.Gandhiraj,
& R6 Special Government Pleader
For R5 & R7 : Mr.R.Ragavendran
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that there was an existing Vinayagar Temple, namely, Arulmigu Sri Muthu Vinayagar Temple in the petitioner's village. The said temple belongs to the entire village. The 8th respondent, who



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is one of the villagers, formed a Trust, namely, Sri Muthu Vinayagar Temple Administrative Committee Trust among his family members and without any permission demolished the temple and by collecting money, he is making an attempt to construct further construction in the Government poramboke natham land without obtaining any building plan approval. Therefore, the petitioner sent a representation dated 26.09.2024 to the respondents 1 to 7 to take necessary action in this regard. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

3.On perusal of the affidavit filed in support of this petition, it appears that there is a dispute between the petitioner and the 8th respondent in managing the Temple. In such view of the matter, the personal dispute cannot be the subject matter of the Writ Petition. If at all the petitioner has any grievance over the management of the Temple, his remedy lies before the competent civil Court not before this Court. However, it is the submission of the learned counsel for the petitioner that as far as the management of the temple is concerned, the petitioner is ready to approach the civil Court, however, without any permission being obtained, the 8th respondent is making a construction.



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4. In view of the said submission, the 1st respondent is directed to consider the representation of the petitioner dated 26.09.2024 and after giving opportunity to the petitioner as well as the 8th respondent, pass appropriate orders on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that before passing any order, the 8th respondent should be heard.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Revenue Officer,
Thanjavur District, Thanjavur.
3. The Revenue Divisional Officer,
Pattukottai Revenue Division,
Thanjavur District.



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4.The Tahsildar,
Thiruvonam Taluk,
Thanjavur District.

5.The Block Development Officer,
Thiruvonam Panchayat Union,
Thanjavur District.

6.The Village Administrative Officer,
31, Periyakottaikadu Revenue Village,
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7.The President,
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N.SATHISH KUMAR, J

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