



W.P.(MD).No.26873 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26873 of 2024

and

W.M.P.(MD)No.22770 of 2024

B.Alagesapandian

... Petitioner

Vs.

1.The District Collector,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3.The Tahsildar,
Aruppukottai,
Virudhunagar District.

4.The Commissioner,
Aruppukottai Municipality,
Aruppukottai,
Virudhunagar District.

... 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 carry out any constructions in the land belonging to Arulmigu Valavantha Amman / Valavanthasamy Thirukoil in



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T.S.No.1, Kulanthai Velpuram, Block 12, Ward C, Aruppukottai,
Virudhunagar District.

For Petitioner : Mr.T.S.Mohamed Mohideen

For R-1 to R-3 : Mr.T.Amjad Khan,
Government Advocate

For R-4 : Mr.N.Dilip Kumar,
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents not to carry out any constructions in the land belonging to Arulmigu Valavantha Amman / Valavanthasamy Thirukoil in T.S.No.1, Kulanthai Velpuram, Block 12, Ward C, Aruppukottai, Virudhunagar District.

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The claim of the petitioner is that Arulmigu Valavantha Amman / Valavanthasamy Thirukoil is an existence at Aruppukottai since 1863 and the said temple was constructed by Hindu Aandipandaram Community. The same is not under the Tamil Nadu



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Hindu Religious and Charitable Endowments Department. The property comprised in T.S.No.1 of Aruppukottai Municipality has been specifically referred as Valavantha Amman Koil. However, the petitioner claims that the same has been mutated as Valipattu Thalam instead of Valavantha Amman Koil by the Tahsildar recently. In the meanwhile, the 4th respondent municipality, without issuing any notice and without informing the temple, has damaged the Nandavana portion of the temple and has started constructing a commercial complex in T.S.No.1. Hence, this writ petition came to be filed.

4. When the matter was taken up for hearing the learned counsel appearing for the petitioner to ascertain whether the construction which is put up by the municipality is precisely in T.S.No.1, a Commissioner was appointed by this Court on 11.11.2024 and the Commissioner had duly visited the property and has filed his report. The Commissioner's report would reveal that the disputed construction is in T.S.No.90 which is classified as East Car Street in the Town Survey Register and the claim of the petitioner is not correct and the said construction is nowhere made in T.S.No.1.



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However, as far as the other relief sought for by the petitioner for correcting the name in the Town Survey Register, even at the time admission which is brought to the notice of this Court by the learned counsel for the 1st respondent that the name incorporated in the Town Survey Register is not as how the petitioner claims, but it is in the name of Valavantha Amman temple. Hence, nothing survives in this writ petition.

5. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The District Collector,
Virudhunagar.
- 2.The Revenue Divisional Officer,
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Virudhunagar District.



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3.The Tahsildar,
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L.VICTORIA GOWRI, J.

Sml

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