



WP(MD). No.28391 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/12/2024

CORAM

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

**WP(MD). No.28391 of 2024
and WMP(MD) No.24098 of 2024**

M/s. Abdulkalam Science Farm
People Security Association
Represented by its President
G.Abel Moorthy

... Petitioner

Vs

1. The District Collector,
Monitoring Committee, Collectorate,
Madurai..

2. The Commissioner,
Corporation of Madurai,
Arinar Anna Maligai,
Thallakulam, Madurai..

3. The District Revenue Officer,
Collectorate, Madurai..

4. The Revenue Divisional Officer,
Thirumangalam Taluk, Kappalur, Madurai..

5. Tashildar,
Thirupparankundram,
Madurai..



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6. The District Registrar(Admin) (Mu.Ku.Poo),
Department of Registration,
Palace Road, Madurai South, Madurai..

7. The Sub Registrar,
Thirupparankundram Registration Office,
Madurai..

9. Karuppusamy,
The Sub Registrar,
Thiruparankundram Registration Office,
Madurai..

10. Manju,
The Assistant Director,
District Town Planning Office,
Sector 6, Anaiyur,
Mudakathan Pradhana Salai,
Koodal Puthur, Madurai - 625017..

11. Executive Engineer,
PWD, WRO,
Periyar Vaigai Basin Division,
Madurai..

12. The Superintending Engineer,
Madurai,Metro, Race Course Road,
K.Pudur, Madurai - 625007..

13. The Assistant Engineer,
TANGEDCO, Pasumalai, Kamarajar Street,
Near Savithabai School,Thirunagar 6th Busstop,
Thirunagar, Madurai - 625004,



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14. The Executive Officer,
Arulmigu Thiruparankundram Subramaniya Swami,
Thirukurai,
Thiruparankundram,
Madurai..

15. The Joint Commissioner,
HR and CE, Madurai Division,
Eliss Nagar, Madurai..

16. M/s.Aishalaya Realtors Priva,
Te Limited, Represented by its Proprietor,
Mr.Rajasurai G,Michael,
S/o.Gnanadurai Michael,
Door No.14, North Street,
Backside of Chellammal Veethi
Kaviboard, Edamalaipatti
Trichy 620012.

17. V.Marisamy

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents from removing the encroachment upon the Government land and Temple Maniba Lands which are found to be subjected as approved Lay-Out of Plots upon the properties under S.No.446/2, 6/3, 4/3, 4/4, 6/1 (6/1-6/1A1A, 6/1A1B1, 6/1A1C, 6/1A1D,6/1A1E, 6/1A1F, 6/1A1G, 6/1A1H, 6/1A2A, 6/1A2B1, 6/1A2C, 6/1A2D, 6/1B1A, 6/B1B1, 6/1B2) 6/2 (6/2A1A, 6/2A1B, 6/2A2, 6/2B) and 6/3 (6/3A, 6/3B1B, 6/3B1C, 6/3B1D, 6/3B2) respectively which are Government Poromboke and by considering petitioner representation dated 21.02.2024.

For Petitioner : M/s.K.R.Laxman



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For Respondents : Mr.S.Shaji Bino for R1, R3 to R8
Special Government Pleader
Mr.K.K.Kannan for R2
Mr.R.Anandaraj for R17
Mr.V.Chandrasekar for R14

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the respondents 15 and 16, notice to the respondents 15 and 16 is dispensed with.

3. The writ petition has been filed for a mandamus directing the respondents from removing the encroachment upon the Government land and Temple Maniba Lands which are found to be subjected as approved Lay-Out of Plots upon the properties under S.No.446/2, 6/3, 4/3, 4/4, 6/1 (6/1-6/1A1A, 6/1A1B1, 6/1A1C, 6/1A1D,6/1A1E, 6/1A1F, 6/1A1G, 6/1A1H, 6/1A2A, 6/1A2B1, 6/1A2C, 6/1A2D, 6/1B1A, 6/B1B1, 6/1B2)



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6/2 (6/2A1A, 6/2A1B, 6/2A2, 6/2B) and 6/3 (6/3A, 6/3B1B, 6/3B1C, 6/3B1D, 6/3B2) respectively which are Government Poramboke by considering petitioner's representation dated 21.02.2024.

4. The writ petition is totally misconceived for the following reasons:

(i) The petitioner herein claims to be an association fighting for a public cause by alleging that the lands in S.Nos.S.No.446/2, 6/3, 4/3, 4/4, 6/1 (6/1-6/1A1A, 6/1A1B1, 6/1A1C, 6/1A1D,6/1A1E, 6/1A1F, 6/1A1G, 6/1A1H, 6/1A2A, 6/1A2B1, 6/1A2C, 6/1A2D, 6/1B1A, 6/B1B1, 6/1B2) 6/2 (6/2A1A, 6/2A1B, 6/2A2, 6/2B) and 6/3 (6/3A, 6/3B1B, 6/3B1C, 6/3B1D, 6/3B2) are lands, which belong to the temple/Government. It seeks for removal of encroachment thereupon;

(ii) It is also admitted by the petitioner that patta has already been granted to private individuals for the lands covered under all the survey numbers. It is his further submission that for the same relief of removal of encroachment, he has earlier filed writ petition in WP(MD) No. 9234/2024, which is pending before this Court without any interim orders;



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(iii) The only contention of the learned counsel for the petitioner is that in the earlier writ petition in WP(MD) No.9234/2024, some of the lands are classified as water bodies and therefore, he has not included the water bodies in the present prayer and therefore, has filed the present writ petition;

(iv) This apart, the petitioner had also filed another writ petition in WP(MD) No.19519/2024 claiming that all the survey numbers mentioned in the present writ petition are water bodies and have sought for removal of encroachment, which writ petition was dismissed on 08.11.2024 by a Coordinate Bench of this Court on the ground that the survey numbers are not water bodies. This aspect is also admitted by the petitioner herein.

5. We failed to understand as to how for the same cause of action, the petitioner has been repeatedly approaching this Court for more than two occasions, more particularly, with the prayer seeking for removal of encroachment for almost all the survey numbers.

6. In our view, the petitioner association is not attempting to



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espouse the cause of the public but rather appears to have an ulterior motive in repeatedly filing these kind of writ petitions. In view of the same, we impose exemplary cost, since the land in question are private patta lands, claiming them to the Government/Temple lands without cancellation of such patta.

7. Hence, the writ petition stands dismissed with a direction to the petitioner to pay a sum of Rs.50,000/- (Rupees fifty thousand only) to be payable to the credit of Account No.10767823177 (State Bank of India) towards District Siddha Medical Officer, CCRI, Periyakulam, on or before 06.01.2025. No costs. Consequently connected Miscellaneous Petition is closed.

8. Call on 08.01.2025 'for recording compliance'.

[M.S.R.,J] [A.D.M.C.,J]
18.12.2024

NCC : Yes/No
Index : Yes/No
RR



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Thallakulam, Madurai..

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