



W.P.(MD)No.31228 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED **08.01.2024**

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.31228 of 2023

and

W.M.P(MD)No.26758 of 2023

K.R.S.Ponnusamy Pandian

...Petitioner

/Vs./

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Tahsildar,
Kayathar Taluk, Thoothukudi District.

3.The Executive Officer,
Kayathar Town Panchayat,
Thoothukudi District.

4.The Executive Engineer,
Public Works Department,
Buildings (C&M) Division,
Thoothukudi.

...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 or their men not to put up any construction or any activity in Natham Survey No. 243A/1, New Natham Survey No.709/56 situated in Kayathar village, Kayathar Taluk, Thoothukudi district measuring 1170 square feet.



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For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents or their men not to put up any construction or any activity in Natham Survey No.243A/1, New Natham Survey No.709/56 situated in Kayathar village, Kayathar Taluk, Thoothukudi district measuring 1170 square feet.

2. The case of the petitioner is that the petitioner is in possession and enjoyment of the subject property, which was inherited from his mother. The petitioner demolished the old building and started to construct a commercial building by obtaining building plan approval. While so, for issuance of patta for natham property, the Government issued G.O.(Ms).No.221, Revenue & Disaster Management Department, dated 04.05.2023 to streamline the different nomenclature by the different districts before the computerized system of natham land records. The petitioner was also informed about the same. When the petitioner approached the second respondent for issuance of patta, the



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second respondent informed that since the land was categorized as government poramboke land, the respondents proposed to construct a building for library in the said land. The fourth respondent also attempted to measure the property for constructing library building in the petitioner's land. Therefore, the petitioner made a representation dated 27.11.2023 to the respondents. Since no action has been taken, this writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that if the respondents construct the building in the land which belongs to the petitioner, he will be put to hardship and the land is classified as “Grama Natham”. Therefore, the respondents have no authority to claim the right over the subject property.

4. The learned Additional Government Pleader appearing for the respondents submits that as per the written instructions received from the second respondent in Na.Ka.No.A2/7927/2023, dated 06.01.2024, it is seen from the records that the said land in Old S.No.243A/1, Natham New S.No. 709/56, measuring to an extent of 345 sq.mtrs., belongs to Arulmighu Kadhivel Mooorthiswamy Kovil, which has been over 20 years ago. It is also stated that there is no such proposal for construction of a library in the said



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land. As per the proceedings of the first respondent dated 17.11.2018, library is going to be constructed only in S.No.711/3 to an extent of 202.00 sq.mtrs., out of the total extent of 619.42 sq.mtrs. He further submits that the land in Old S.No.243A/1, Natham New S.No.709/56, belongs to the aforesaid temple and therefore, the petitioner has no right over the said property. Hence, he prayed for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. On perusal of the materials available before this Court, it is clear that the land in Old S.No.243A/1, Natham New S.No.709/56, measuring to an extent of 345 sq.mtrs., belongs to Arulmighu Kadhivel Mooorthiswamy Kovil and as per the proceedings of the first respondent, the public library is proposed to be constructed only in the portion earmarked in another S.No.711/3. The petitioner has filed this writ petition on mere apprehension only. If at all the petitioner has got any right over the property in S.No.711/3, it is left open to the petitioner to agitate his rights before the concerned forum.



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7. With the above observations, this writ petition is disposed of. No

costs. Consequently, connected miscellaneous petition is closed.

08.01.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

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TO:-

- 1.The District Collector,
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Thoothukudi.
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated:
08.01.2024