



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.35992 of 2024
and WMP.No.38880 of 2024

P.Sivaraman

.. petitioner

vs

1.The District Collector
Perambalur District.

2.The Tahsildar
Taluk Officer
Veppanthattai Taluk
Perambalur District.

3. The Land Revenue Inspector
Vengalam Firka
Veppanthattai Taluk
Perambalur District

4.The Village Administrative Officer
Arumbur Village
Veppanthattai Taluk
Perambalur District

5.The President
Arumbavur Town Panchayat
Veppanthattai Taluk
Perambalur District

6.The Executive Officer
Arumbavur Town Panchayat



Veppanthattai Taluk
Perambalur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from constructing the Town Panchayat building in “Kalam” comprised in S.Nos.512/2, in Arumbavur is a Town Panchayat at Veppanthattai Taluk in Perambalur District for converting it for any office purpose other than the public utility as thrashing floor.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.S.J.Mohamed Sathik, GA for R1 to R4
Mr.S.Prabakaran, GA for R5 & R6

ORDER

This writ petition has been filed to forbearing the respondents from constructing the Town Panchayat building in “Kalam” comprised in S.Nos.512/2, in Arumbavur Town Panchayat at Veppanthattai Taluk in Perambalur District for converting it for any office purpose other than the public utility as thrashing floor.

2. The learned counsel for the petitioner submits that the petitioner is an agriculturist and owning agricultural lands, acquired the same by way of



settlement deed and cultivating the lands till date. The entire Arumbavur village lands were devolved by ryotwari system and there is a thrashing floor for the villagers which are comprised in S.No.512/2 measuring about 2 acres. He would submit that the 3rd respondent classified the lands as Natham land for the purpose of construction of Town Panchayat Board Building. On the strength of the above proceedings, the respondents 3, 5 and 6 and other revenue officials are preventing the village people from using the thrashing floor (kalam). In this regard, the petitioner made a representation, not to build the panchayat building in S.No.512/2 “Kalam” and requested on behalf of the village people to choose an alternative place. The 5th and 6th respondents have no right to convert the communal lands which are in common use and benefit of the villagers. As per Section 132 of the Tamil Nadu Panchayat Act, any communal property within the village panchayat which is declared and classified as such and administered under the control of the panchayat is vest with the village panchayat under Section 134 of the Act.

3. The learned counsel for the 6th respondent filed counter affidavit on behalf of the 6th respondent on 06.12.2024. The learned counsel appearing



for the 2nd respondent filed counter affidavit on 27.02.2025, the relevant paragraph is extracted hereunder :-

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“6. It is further submitted that the 1 Respondent, has passed the proceedings in Rc E-48176/2023/A2 dated 16.10.2023 by approving the transfer of extent of 0.08.0 hectares(19 cents) of land in Survey No. 512/2, which is sub divided in Survey No.512/5 for the construction of the Arumbavur Town Panchayat office building. The details of the transferred and classified land in Arumbavur Village, Veppanthattai Taluk is described below.

S.No	Survey No	Extent of Land in Hectares	Classification
1	512/2	0.66.5	Kalam
2	512/5	0.08.0	Arumbavur Town Panchayat Office
	Total	0.74.5	

4. The learned Government Advocate appearing for the respondents 1 to 4 submitted that in the said survey number many buildings are being constructed among them are Tamil Nadu Water Development Board,



Community hall, Motor pump room and Meteorology department, it is not only the building to be constructed in the said “Kalam”.

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5. This Court by an order dated 21.03.2025 directed the respondents 1 to 4 to file a detailed additional counter affidavit containing the following affidavits :-

“i) When the existing 'kalam' will be demolished for the purpose of constructing the panchayat building and the new 'kalam' will be constructed for the benefit of the villagers at the cost of the Government

ii) When the 'kalam' will be constructed and the duration of the period required to construct the same so as to hand it over to the villagers.”

6. Pursuant to the aforesaid directions, the first respondent/District Collector filed an affidavit dated 27.03.2025, the relevant paragraph is extracted hereunder :-

“9. It is submitted that the total extent of thrashing floor is 0.74.5 hectares in which only 0.08.0 hectares (19 cents) are allotted for the construction of New Town



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Panchayat Office and the remaining extent of 0.66.5 hectares are still kept as Thrashing floor which is more than enough for the Public usage. Moreover, the Arumbavur Town panchayat has passed a consent resolution (No. 382/24. Dated: 29.10.2024) to construct a new thrashing floor. Based on the resolution a report was submitted to the District Collector by the 6th Respondent in Na.Ka.No. 20/2022 dated: 18.11.2024. Considering the necessity of thrashing floor and sufficient space available in the same survey number it will be constructed either by the District Administration or by the local authority after issuing proper administrative sanction by following the usual procedures.”

7. In the above paragraph, the first respondent has stated that based on the resolution and report submitted by the first respondent, the 6th respondent in Na.Ka.No.20/2022 dated 18.11.2024 considered the necessity of the thrashing floor and stated sufficient space is available in the same survey number and new Kalam will be constructed either by the District



Administration or by the local authority after issuing proper administrative sanction by following the usual procedures. But, the period of time required for construction of Kalam has not been mentioned therein. Hence, the first respondent is directed to construct the new thrashing floor (Kalam) for the benefit of the villagers, after the paddy harvest. Since, the existing Kalam used by the villagers has been built, so many years back. The first respondent is hereby directed to construct the new thrashing floor (Kalam) within a period of four months from the date of receipt of a copy of this order. It is also made clear that the respondents 1 to 4 shall proceed with the construction of the Town Panchayat Building.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

9. For reporting compliance, post on 05.08.2025.

02.04.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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