



W.P.(MD) No.9422 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

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Murugesan

... Petitioner

-Vs-

- 1.State of Tamil Nadu,
Rep. by the Principal Secretary,
Revenue and Disaster Management Department,
Fort St.George, Secretariat, Chennai-600 009.
- 2.The Commissioner,
Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.
- 3.The District Collector,
District Collector Office,
Virudhunagar District.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office, Sathur,
Sathur, Virudhunagar District.
- 5.The Tahsildar,
Taluk Office, Rajapalayam,
Virudhunagar District.



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6.The Village Administrative Officer,
Sundararajapuram Village Panchayat,
Rajapalayam Taluk, Virudhunagar District.

7.Karuppaiah

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to consider the petitioner's representation dated 13.03.2025 and to assign the Government land property to the petitioner's name for the village or in the name of Mariyamman temple with an extent of 0.0157 sq.mt in Survey No.429/38, Sundarajapuram Village, Rajapalayam Taluk, Virudhunagar District as per the market Government value within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For R1 to R6 : Mr.P.Thilak Kumar,
Government Pleader

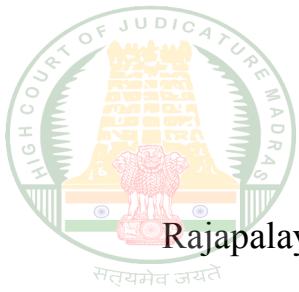
ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

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 is a civil dispute between two sections of people residing at Sundararajapuram Village. Due to the said dispute that arose in conducting festival at Mariyamman Temple, the Tahsildar,

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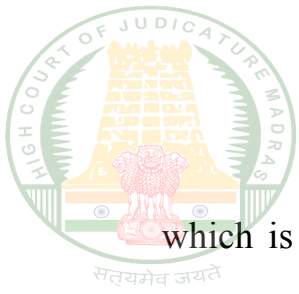


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Rajapalayam Taluk sealed the temple, since no amicable solution was arrived at the Peace Committee Meeting held on 30.11.2022.

3.Adjacent to the temple, there is a land in S.No.429/38, which is classified as Government poramboke and the same was encroached by the 7th respondent and commercial buildings were constructed by him. Therefore, the revenue people started to demolish the unauthorized building constructed by the 7th respondent. Even though the notice under Section 7 of Tamil Nadu Land Encroachment Act, 1905 was issued by the Tahsildar, the same was challenged by the 7th respondent in W.P.(MD)No.6060 of 2023. However, the Division Bench of this Court refused to interfere with the same.

4.Furthermore, the 7th respondent challenged the Division Bench order before the Hon'ble Supreme Court, whereby he was permitted not to press the Special Leave Petition by granting liberty to the petitioner to approach the competent civil forum for appropriate interim order, which are pending in O.S.No.105 of 2022 on the file of the Principal Subordinate Court, Srivilliputhur. While so, the civil Court dismissed the interim application filed by the 7th respondent on 13.06.2024. Again the 7th respondent filed W.P.(MD)No.13998 of 2024, seeking for a direction to the respondents to assign the land in S.No.429/38,



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which is classified as Government Poramboke as per the market value or other value. This Court vide order dated 28.06.2024 directed the respondents to consider the representation of the 7th respondent and further, clarified that if the Government negatived the relief, then immediately, the encroachment made by the 7th respondent has to be removed.

5.In this connection, the petitioner being the head of one section of people of Sundarajapuram Village has made a representation on 13.03.2025, requesting to assign the land in question to Melatheru people and divide the land half to the Keela Theru people, wherein he has also stated that he is ready to purchase the land in question for fixed price.

6.The grievance of the petitioner is that the land in question is situated adjacent to the Mariyamman Temple. Therefore, the 7th respondent taking advantage of the same, may refuse the entry to the temple for one section of people, which may cause discrimination and divide the people of Sundarajapuram Village. Till date, the representation of the petitioner dated 13.03.2025 has not been considered by the respondents. Left with no other option, the petitioner has filed this Writ Petition.



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7.Mr.P.Thilak Kumar, learned Government Pleader, who takes notice on behalf of the respondents 1 to 6, submits that the representation of the petitioner would be considered and appropriate orders would be passed in accordance with law within a period that may be stipulated by this Court.

8.Notice to the 7th respondent is dispensed with, since no adverse order is going to be passed as against him.

9.Considering the limited scope of the prayer sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of this Writ Petition, we direct the 4th respondent to consider the representation of the petitioner dated 13.03.2025, after giving sufficient opportunity of hearing to the petitioner as well as the 7th respondent and other interested parties, if any and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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10. With the above direction, this Writ Petition is disposed of. No costs.

[J.N.B., J.] & [S.S.Y., J.]
04.04.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Principal Secretary,
State of Tamil Nadu,
Revenue and Disaster Management Department,
Fort St. George, Secretariat, Chennai-600 009.
2. The Commissioner,
Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector,
District Collector Office,
Virudhunagar District.
4. The Revenue Divisional Officer,
Revenue Divisional Office, Sathur,
Sathur, Virudhunagar District.
5. The Tahsildar,
Taluk Office, Rajapalayam,
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