



W.P.(MD)No.11671 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11671 of 2025

and

W.M.P.(MD)No.8625 of 2025

Kavimani

... Petitioner

-VS-

- 1.The District Collector,
Sivagangai, Sivagangai District.
- 2.The Block Development Officer,
Block Development Office,
Sakkottai Panchayat Office,
Sakkottai, Karaikudi Taluk,
Sivagangai District.
- 3.The Project Director,
District Rural Development Agency,
Collectorate Buildings, Sivagangai.
- 4.The Tahsildar,
Karaikudi, Sivagangai District.
- 5.Kannan
- 6.Velmurugan
- 7.Visvadoss



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8.Velmanoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from making any illegal constructions in the land situated in Survey No.92/1 and 2 (Old survey Nos.93/1, 93/2 and 93/3A) to an extent of 6 acres 50 cents at Amaravathipudur Group, Karaikudi Taluk, Sivagangai District, belonged to Arulmigu Sadaiyandi Temple, by considering the representation of the petitioner dated 24.01.2025, within a stipulated time as fixed by this Court.

For Petitioner	:	Mr.C.Jeya Prakash
For R1, R3 and R4	:	Mr.C.Venkatesh Kumar Special Government Pleader
For R2	:	Mr.S.Shanmugavel Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to forbear the respondents 1 to 4 from carrying out any illegal constructions on the land situated in Survey Nos.92/1 and 92/2 (Old Survey Nos.93/1, 93/2, and 93/3A), measuring an extent of 6 acres and 50 cents at Amaravathipudur Group, Karaikudi Taluk, Sivagangai District, which belongs to Arulmigu Sadaiyandi Temple, by considering the petitioner's representation dated 24.01.2025.



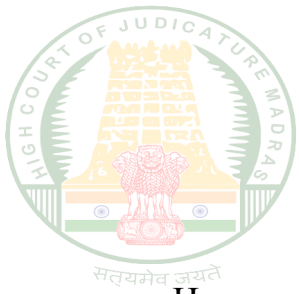
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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the respondents 5 to 8, notice to the respondents 5 to 8 is hereby dispensed with.

4. The petitioner submits that the land situated in Survey Nos.92/1 and 92/2 (Old Survey Nos.93/1, 93/2, and 93/3A), measuring an extent of 6 acres and 50 cents at Amaravathipudur Group, Karaikudi Taluk, Sivagangai District, belongs to Arulmigu Sadaiyandi Temple. The temple, which is under the possession and enjoyment of the petitioner and his Pangalis, has rightful ownership over the said property. However, during the UDR Scheme, the land was erroneously classified as 'Poramboke'. Aggrieved by the same, one of the Pangalis filed a civil suit in O.S.No.473 of 2022 before the District Munsif Court, Karaikudi and the same is now pending. Despite the pendency of the civil suit, the official respondents, allegedly at the instigation of the private respondents, are attempting to carry out illegal constructions on the temple property under the guise of a Government scheme. In this regard, the petitioner along with his Pangalis, submitted representations to the respondents on 24.01.2025 and again on 28.02.2025.



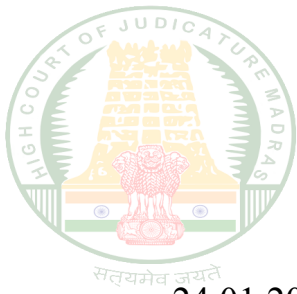
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However, no action has been taken on these representations. On the contrary, the respondents are proceeding with the construction activities. Hence, the petitioner has been constrained to file the present Writ Petition seeking issuance of a Writ of Mandamus to forbear the respondents from making any illegal constructions on the temple property.

5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated



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24.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the respondents 5 to 8 as well as all other persons, who may be interested in the subject matter, within a period of six weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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24.04.2025

To:-

1. The District Collector,
Sivagangai, Sivagangai District.



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VIVEK KUMAR SINGH, J.

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