



W.P.(MD)No.24091 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.24091 of 2023

and

W.M.P.(MD)No.20253 and 20254 of 2023

Murugesan

...Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Manur Panchayat Union,
Manur, Tirunelveli District.

3.The President,
Palamadai Village Panchayat,
Palamadai, Tirunelveli District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the second respondent in Na.Ka.No.Aa2/3523/2023 dated 05.09.2023 and quash the same.

For Petitioner : Mr.S.Mani

For Respondents : Mr.M.Sarangan

Additional Government Pleader



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ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

Challenging the order passed in Na.Ka.No.Aa2/3523/2023 dated 05.09.2023 by the second respondent, the aggrieved petitioner has preferred the present writ petition.

2. According to the learned counsel for the petitioner, 'Aran Manai Raja Temple' is situated in the village of the petitioner and its administration is controlled by 10 families, including the petitioner's family. One representative from each of the 10 families constituted to form a Committee to look after the administration of the said Temple. During that period, one Chockalinga Thevar was the President of the said Committee, and a Mandapam was constructed and named as Veilukanthamman Kalyana Mandapam near the existing Community Welfare Hall.

3. The grievance of the petitioner is that all of a sudden, the second respondent passed the impugned order in Na.Ka.No.Aa2/3523/2023 dated 05.09.2023 addressed to one Sankaran, S/o Subbiah Thevar, (one among the



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representatives of the Committee) stating that the existing Community Welfare

Hall is renamed and encroached as Veilukanthamman Kalyana Mandapam

Therefore, vide the impugned order, they are directed to surrender the said Mandapam to the second respondent within 15 days, failing which police action will follow.

4. According to the learned counsel for the petitioner, Veilukanthamman Kalyana Mandapam and the Community Welfare Hall are two different buildings. The Kalyana Mandapam is having its main entrance facing South and the Community Welfare Hall is having its main entrance facing West. The grievance of the petitioner is that without carrying out an inspection, the second respondent has come to a wrong conclusion and has passed the impugned order. Further, the learned counsel submits that neither the petitioner was issued with a proper show cause notice nor any personal enquiry was conducted before passing of the impugned order. Therefore, aggrieved by the same, the petitioner has preferred the present writ petition, praying to set aside the impugned order.

5. The learned Additional Government Pleader appearing for the respondents submits that the Community Hall is constructed in a Government Porabmoke land. He has also produced the documents in support of his



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submission. He further submits that as there were some encroachments by some other individual persons in the community hall, the said community hall was taken over by the second respondent.

6. Heard the submissions made on either side and perused the materials placed on record.

7. Perusal of the records would show that the community hall is constructed in the poramboke land. Therefore, in the considered opinion of this Court, the third respondent has rightly taken over the possession of the community hall. Even assuming that the community hall is constructed by the petitioner or by his Committee, the same cannot be constructed in a poramboke land. Hence, this Court does not find any infirmity in the order passed by the third respondent. If the petitioner feels that the subject land belongs to him or his community people, then the petitioner has to establish the same before the appropriate civil forum, in the manner known to law. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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(J.N.B.,J.) (S.S.Y.,J.)
27.02.2025

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Index : Yes/No
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