

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.31781 of 2013 and M.P.No.1 of 2013

MELMARUVATHUR ATHIPARASAKTHI  
VARA VAZHIPPATTU MANDRAM REP.BY ITS  
PRESIDENT AT VADAGARAM-POONDI KIZHKALPOONDI  
POST THITTAKUDI TALUK,  
CUDDALORE DISTRICT ... PETITIONER

Vs.

- 1 THE DISTRICT COLLECTOR  
CUDDALORE DISTRICT OFFICE OF THE DISTRICT  
COLLECTOR CUDDALORE CUDDALORE DISTRICT
- 2 REVENUE DIVISIONAL OFFICER  
OFFICE OF THE REVENUE DIVISIONAL OFFICER  
VIRUDHACHALAM CUDDALORE DISTRICT
- 3 THE TAHSILDAR  
OFFICE OF THE TAHSILDAR THITTAKUDI  
CUDDALORE DISTRICT
- 4 VALLIAMMAI  
W/O. LATE DURAISAMY,  
VADAGARAM POONDI  
VILLAGE KIZHKALPOONDI POST,  
THITTAKUDI TALUK,  
CUDDALORE DISTRICT
- 5 SAKUNTHALA  
W/O SUBRAMANI  
NADUTHERY (COLONY), VADAKARAM POONDI,  
TITTAGUDI TALUK, CUDDALORE DIST. ... RESPONDENTS

(Respondent No.5 has been included as per the order dated 5.8.2015 in M.P.No.2 of 2013)

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to forbear from interfering with the peaceful possession and enjoyment of the Om Sakthi Temple of the petitioner laid down being worshipped in survey No.101/14 in Block No.6

Vadagaram Poondi Village Thittakudi Taluk Cuddalore District  
measuring 600 Sq.ft.

For Petitioner : Mr.V.Sivalingam  
For Respondents-1 to3 : Mr.S.Pattabiraman, G.A.  
For Respondent-5 : Mr.S.Mohan

O R D E R

With consent of both side, the main writ petition itself has been taken up for final disposal.

2 The petitioner has come up with the present writ petition seeking Writ of Mandamus against the respondents 1 to 3 forbearing from interfering with the possession and enjoyment of the temple.

3 Counsel for the impleading respondent (No.5) submitted that already appropriate orders have been passed by the second respondent in proceedings No.A4/4222/2012, dated 8.7.2013 and 21.1.2013. He also submitted that appropriate orders have been passed by this Court in W.P.No.21424 of 2013, dated 30.09.2013. The writ petitioner instead of co-operating with the respondent No.2 has filed the present writ petition. This too at the instance of the impleading respondent, the writ petition was filed in W.P.No.21424 of 2013 and the Division Bench of this Court on 30.9.2013 has held as follows:

3 On a perusal of the papers, we find that the Revenue Divisional Officer, Virudhachalam, the second respondent, had sent a letter to the Inspector of Police, Rama Natham Police Station, the fourth respondent, to remove the encroachments as per his orders for providing necessary police protection to the Revenue officials. The learned counsel for the petitioner would submit that despite clear order of the Revenue Divisional Officer, no steps have been taken till date.

4. The learned counsel appearing for the respondents stated no objection for issuing a direction to the second respondent to ensure compliance of his order.

5. Thus, the second respondent is directed to ensure compliance of his order dated 8.7.2013, as early as possible, within a period of four weeks from the date of receipt of a copy of this order.

6. It is needless to mention that necessary notice may be given to all the parties

concerned, before taking any steps for the removal of encroachments.

7. In view of the foregoings, nothing survives for adjudication and the writ petition is disposed of, accordingly. No costs. The connected miscellaneous petition is closed.''

4 Therefore, the only course open to the writ petitioner herein is to appear before the second respondent and put forth his case.

5 Accordingly, the writ petition stands disposed of, directing the respondent No.2 to act in accordance with law after taking order passed by this Court in W.P.No.21424 of 2013 after affording opportunity to the petitioner as well as the respondent No.5 since impleaded. The said exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

Consequently, connected M.P.No.1 of 2013 is closed. No costs.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1 THE DISTRICT COLLECTOR  
CUDDALORE DISTRICT OFFICE OF THE DISTRICT  
COLLECTOR CUDDALORE CUDDALORE DISTRICT
- 2 REVENUE DIVISIONAL OFFICER  
OFFICE OF THE REVENUE DIVISIONAL OFFICER  
VIRUDHACHALAM CUDDALORE DISTRICT
- 3 THE TAHSILDAR  
OFFICE OF THE TAHSILDAR THITTAKUDI  
CUDDALORE DISTRICT

+1 cc to Mr.V.Sivalingam, Advocate, sr.40309  
+1 cc to Mr.S.Mohan, Advocate, sr.40463  
+1 cc to Govt.Pleader, sr.40626

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M.P.No.1 of 2013

svi co, kra 15/09