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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.529 of 2014
& M.P.(MD) No.1 of 2014

O.K.Sundararajan ... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Block Development Officer,
Panchayat Union,
Sedapatti,
Madurai District.

4.The Tahsildar,
Peraiyur,
Madurai District.

5.The President,
Sedapatty Village Panchayat,
Peraiyur Taluk,
Madurai District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus,to forbear the Respondents from interfering and demolishing the Iyyappan Koil situated at Door No.3/294, Sedapatty Village Panchayat, Madurai District without due process of law.

For Petitioner : Mr.S.A.Ajmalkhan
For R1 to R4 : Mr.A.K.Baskarapandian
For R5 : Mr.T.R.Janardhanan

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ORDER

(Order of the Court was made by V.M.VELUMANI,J.)

This writ petition has been filed in Public Interest, seeking a writ of mandamus, forbearing the Respondents from interfering and demolishing Iyyappan Koil, situated at Door No.3/294, Sedapatty Village Panchayat, Madurai District without due process of law.

2.The petitioner is a resident of Sedapatty Village Panchayat. The Villagers constructed Iyyappan temple, by collecting money from the public, at Door No.3/294, which is in Natham Poromboke, Sedapatty Village. The Temple is managed by a committee and petitioner is one of the committee members. The Villagers arrange for Special Poojas to be performed for the god once in a week, on Saturday.

3.While so, due to election motive some persons gave a false complaint to the first respondent that private persons have encroached upon vacant site in the place of Iyyappan temple. Based on the complaint given to the first respondent, the Revenue Officials inspected the spot and filed a report in the month of July, 2012. Subsequently, the Revenue Officials from the first respondent instructed the Committee members to vacate the temple premises and to demolish Iyyappan temple.

4.In the circumstances, the villagers sent representations on 02.09.2013 and 16.12.2013 to the first respondent, requesting them not to demolish the temple. No order was passed on the representation. On 07.01.2014, the respondent officials came to the temple and threatened to demolish the temple without any notice and order for removal. Hence, the petitioner has filed the present writ petition.

5.The grievance of the petitioner is that the respondents are trying to demolish the Iyyappan temple without any notice and without following the procedure as prescribed by law.

6.Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents submitted that they will follow the procedure before taking any action.

7.Recording the submission of the learned Special Government Pleader appearing for the respondents, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

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am
To

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5.The President,
Sedapatty Village Panchayat,
Peraiyur Taluk,
Madurai District.

+1CC to Spl. Government Pleader Sr.No.59661
+1CC to Mr.Ajmal Khan Advocate Sr.No.59864

GJM/JGB/30.11.2015-2P-8c

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