

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27115/2016 & WMP.No.23294/2016

Sri La Sri Kanakasabai
Swamigal, 33rd Pontiff, Sri Chidambaram
Pathapoojai, Ambalathadum Swamigal
Thirumadam, 58, Ambalathadum
Swamigal Madam St.,
Pondicherry 605001. ... Petitioner

Versus

- 1.The District Collector
Thiruvannamalai District.
- 2.The Revenue Divisional Officer
Tiruvannamalai.
- 3.The Tahsildar
Tiruvannamalai.
- 4.P.Kumar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents nos.1 to 3 to consider and pass necessary orders on the representation dated 23.05.2016 made by the petitioner herein for removing the obstructions at Kamatchiamman Koil Street now named as Thiruvalluvar Street, Tiruvannamalai in TS.NO.188, Ward No.3, Block No.4, to the extent of 13,781 sq.ft., within the stipulated time period as may be fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam

For R1 to R3 : Mr.R.Sanjay Gandhi, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims to be the 33rd pontiff of Sri Chidambaram Pathapoojai, Ambalathadum Swamigal Thirumadam, which owns landed property admeasuring to an extent of 13,781 sq.ft., in TS.NO.188, Ward No.3, Block No.4, Tiruvalluvar Street, Tiruvannamalai District and the said lands were meant for growing flowers [Nandavanam] for the purpose of making garlands to be adorned by Lord Arunachalaeswarar and according to the petitioner, the 4th respondent, in connivance with some other persons, has created very many bogus documents. In this regard, a representation dated 05.05.2016 was also submitted to the Registration Department, for cancellation of the bogus documents and that apart, the petitioner has also submitted a representation dated 23.05.2016 to the respondents 1 to 3 and others for removal of the encroachment on the said lands and though it was received and acknowledged, no response is forthcoming and hence, he came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that the 4th respondent has filed a suit in OS.No.71/2013 on the file of the Court of Principal District Munsif, Tiruvannamalai, praying for permanent injunction, restraining the Mutt from interfering in his possession of the land and the said suit was dismissed on 17.02.2015 and no further challenge has been made and therefore, it has become final and hence, there cannot be any impediment on the part of the respondents 1 to 3 to remove the encroachment and prays for appropriate orders.

4 This Court heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's application dated 23.05.2016 in accordance with law, after putting on notice, the 4th respondent and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.

6 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Thiruvannamalai District.

2.The Revenue Divisional Officer
Tiruvannamalai.

3.The Tahsildar
Tiruvannamalai.

+2cc to Mr.T.Sundaravadanam, Advocate Sr.44201, 44908
+1cc to the Government Pleader Sr.44562

W.P.No.27115/2016

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srg 22/08/2016

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