

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30441 of 2016

C.N.Palanisamy

.. Petitioner

-vs-

1. The Commissioner
Land Administration
Government of Tamil Nadu
Ezhilagam, Chempauk
Chennai-5

2. The District Collector
Erode District, Erode

3. The Executive Engineer
Water Resource Department
Lower Bhavani Irrigation Division
Public Works Department, Erode

4. The Sub Collector
Gobichettipalayam
Erode District

5. The Tahsildar
Gobichettipalayam
Erode District

6. The Assistant Executive Engineer
Water Resource Department
Public Works Department
Gobichettipalayam 638 476

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus,
calling for entire records relating to sixth respondent's notice
in Na.Ka.No.9146/2016/U2 dated 19.08.2016 (served on 23.08.2016)
and quash the same and consequently forbearing the respondents
from disturbing possession of the temple in S.No.543 at Elathur

For Petitioner :: Mr.V.Vasanthakumar
For Respondents :: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

3. The petitioner claims to be a resident of Elathur Chettipalayam of Elathur B Village, Gobichettipalayam. According to him, Arulmighu Kammatchiamman Temple is situated in Elathur B Village in S.F.No.543 covering an area of 240 sq.ft., for more than seven decades, even before the construction of the lower Bhavani irrigation system. It appears that pursuant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter called as "the Act") stating that the temple has been constructed in the Government land, the petitioner is said to have filed an appeal under Section 10 of the Act before the District Collector, Erode, the second respondent herein, which came to be dismissed. Aggrieved by the said order, the petitioner is said to have preferred a statutory revision before the Commissioner of Land Administration, Chennai, the first respondent herein. The grievance of the petitioner is that pending the statutory revision, based on the order passed by the second respondent in the appeal, the impugned notice under Section 6 of the Act has been issued to the petitioner to remove the encroachment.

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direct the first respondent to dispose of the statutory revision filed by the petitioner in accordance with law within a period of two months from the date of receipt of a copy of this order. Till a decision is arrived at in the matter, status quo shall be maintained by the parties. With this direction, the writ petition stands disposed of. Consequently, W.M.P.Nos.26393 & 26394 of 2016 are closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ss
To

1. The Commissioner
Land Administration
Government of Tamil Nadu
Ezhilagam, Chempauk
Chennai 600 005
2. The District Collector
Erode District, Erode
3. The Executive Engineer
Water Resource Department
Lower Bhavani Irrigation Division
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4. The Sub Collector
Gobichettipalayam
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6. The Assistant Executive Engineer
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+1 CC to Mr. N.S. Sivakumar, Advocate Sr.No.49633
+1 CC to Govt., Pleader, Sr.No.50395

W.P.No.30441 of 2016

MG (CO)
MD : 15/09/2016