

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.19705 of 2012

E.Arivudainambi ... Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-600 009.
- 2.The District Collector,
Thanjavur Taluk,
Thanjavur-6.
- 3.The Revenue Divisional Officer,
Thanjavur Taluk,
Thanjavur-6.
- 4.The Thasildhar,
Thanjavur Taluk,
Thanjavur - 6.
- 5.R.P.K.P.Balakrishnan
- 6.Ayyadurai
- 7.The Village President,
Palaniyappa Nagar Panchayat,
Nanjil Kotatai Road,
Palaniyappa Nagar,
Thanjavur Taluk & District,
Thanjavur - 6. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 not to allow any construction or other allied activities by the respondents 5 and 6 in the lands in Survey No.50/42A and 42B to the extent of 40,000 square feet in Nanji Kottai village (Village No.80) in Thanjavur Taluk, Thanjavur District.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar for R1 to R3
Mr.V.Bhiman for R5 & R6

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance qua construction of a temple is made by the petitioner, who is not stated to be the resident of the village. The learned Government Pleader has drawn our attention to paragraph 7 of the counter-affidavit of the District Collector, who states that on enquiry, it has been found that the residents' of Palaniyappa Nagar wanted to have a Pillaiyar temple in the playground for worship without any hindrance to its original usage as play ground and that the Residents' Association with the permission of Nanjikottai Panchayat, constructed the temple. Since the land is stated to be also not a Government poramboke, it is stated that there is no question of any encroachment.

2. We may notice as per the counter-affidavit of respondent No.6 that the petitioner's wife has lost to the fifth respondent in the Palaniyappa Nagar Panchayat Presidential Elections.

3. In view of the aforesaid stand of the second respondent, the writ petition is closed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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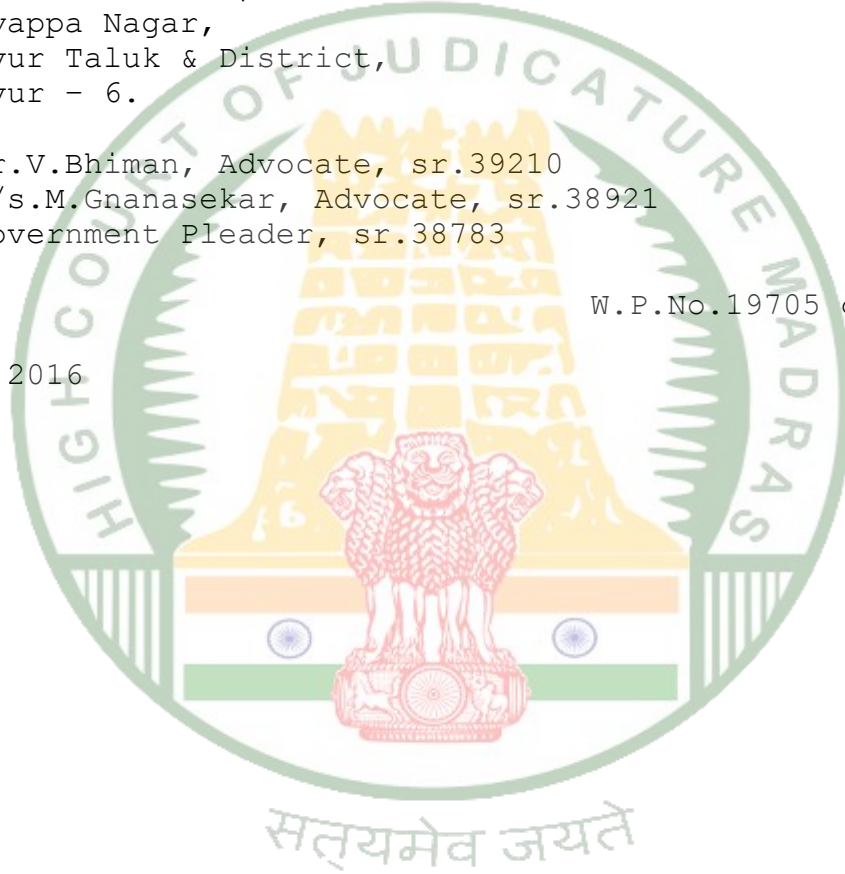
1.The Secretary to Government,
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Fort St. George, Chennai-600 009.

- 2.The District Collector,
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Thanjavur-6.
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- 5.The Village President,
Palaniyappa Nagar Panchayat,
Nanjil Kotatai Road,
Palaniyappa Nagar,
Thanjavur Taluk & District,
Thanjavur - 6.

1 cc to Mr.V.Bhiman, Advocate, sr.39210
1 cc to M/s.M.Gnanasekar, Advocate, sr.38921
1 cc to Government Pleader, sr.38783

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kra 29.07.2016



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