



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.09.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.17559 of 2016

Manalmedu M.Suresh @ M.Suresh

: Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

3.Tiruchendur Special Grade Town Panchayat,
Rep. by its Executive Officer,
Tiruchendur,
Tuticorin District.

4.Arulmigu Sri Puliyadi Santhana Mariyamman Kovil,
Rep. by its Thiruppanikuzhu President,
S.Lakshmanan,
Sannathi Street,
Tiruchendur,
Tuticorin District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to remove the encroachment made by the fourth respondent Temple, measuring 15 feet East to West at Sannathi Street (in Survey No.1506/67) and 20 feet South to North at Puliyadi Street (in Survey No.1507), by implementing the direction issued by the third respondent vide Na.Ka.A5/814/2016, dated 06.07.2016.

For Petitioner

: Mr.P.Ramachandran

For Respondents 1to3

: Mr.Aayiram K.Selvakumar,
Government Advocate

**O R D E R***********

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner claims to be an office bearer of the political party. He has come up with this litigation under the guise of a Public Interest Litigation seeking a direction to the third respondent to remove the alleged encroachment made by the fourth respondent temple measuring 15 feet East to West at Sannathi Street in Survey No.1506/67 and 20 feet South to North at Puliyadi Street in Survey No.1507.

2. This Writ Petition has come up today for admission. We have heard the learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Government Advocate, taking notice on behalf of the respondents 1 to 3. We do not order notice to the fourth respondent, in view of the nature of the order to be passed in this Writ Petition.

3. Though the petitioner has alleged that there is encroachment on the street to construct the temple, absolutely, there is no material produced before this Court to substantiate the said contention. When we asked the learned counsel as to when the construction was made, he said that it was made on 05.10.2015. There is nothing on record to show that even at that time, the petitioner made any objection. In the absence of any such material on record to show that the temple has been built on the street, thereby encroaching upon, it is not possible for us to issue any direction. The Writ Petition is, therefore dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Tuticorin District, Tuticorin.
- 2.The Revenue Divisional Officer, Tiruchendur, Tuticorin District.
- 3.The Executive Officer,
Tiruchendur Special Grade Town Panchayat,
Tiruchendur, Tuticorin District.

+1 cc to M/s.P.Ramachandran, Advocate in SR.No.52748

+1 cc to The Special Government Pleader in SR.No. 53918

SML

CSL/SS-2/26.09.2016: 2P/6C

ORDER MADE IN

W.P. [MD].No.17559 of 2016

Dated: 16.09.2016