



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

CORAM:

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THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.22984 of 2016

A.Sakthi

: Petitioner

Vs.

1.The District Collector,
Collectorate,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Keelakkarai Taluk,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take necessary action for the removal of encroachments made in the pathway land of the Kaliyamman Kovil situated in R.S.No.47/3 of Periapattinam Village of Keelakkarai Taluk, Ramanathapuram District, by considering the petitioner's representation dated 27.09.2016.

For Petitioner

: Mr.V.Nagendran

For Respondents

: Mr.Aayiram K.Selvakumar,
Government Advocate

O R D E R

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

The petitioner claims that she is the owner of a Temple known as 'Kaliyamman Temple' (the learned counsel reiterated before us that the petitioner is the owner of Kaliyamman Temple). The said temple is situated in R.S.No.47/3 at Periapattinam Village of Keelakkarai Taluk, Ramanathapuram District, she further claims. According to her, there are encroachments on the said temple land. She wants the same to be removed by the respondents.

2. In our considered view, since the petitioner claims private right over the property, the respondents cannot be expected to take action, if really she is the owner of the land. If the land belongs to the Temple, then, it is for the Temple to take appropriate action



for removal of the trespasser or any encroachment made on the same. Thus, we cannot find any cause of action for the petitioner to file this Writ Petition. The Writ Petition is, therefore, dismissed. No costs.

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/True Copy/

Sd/-

Assistant Registrar (crl.side)

Sub Assistant Registrar

To

1.The District Collector,
Collectorate,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Keelakkarai Taluk,
Ramanathapuram District.

+1 cc to Mr.V.Nagendran,Advocate, Sr.No:73818

+1 cc to M/S Special Government Pleader, Sr No.78127

Order made in
W.P.[MD].No.22984 of 2016
Dated:
29.11.2016

sml

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