



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.24496 of 2016
and
W.M.P (MD) No.17679 of 2016

Jeyapaul

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Adi Dravidar Welfare and Land Acquisition Officer,
Nanguneri, Tirunelveli District.

3.The Executive Officer,
Selection Grade Panchayat,
Thisaiyanvilai, Tirunelveli District.

4.Nicolas

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the third respondent from removing the Sri Bhagavathi Amman Temple situated in Survey No.25/2C2B, Thisaiyanvilai Village, Radhapuram Taluk, Tirunelveli District vide representation of the petitioner dated 08.12.2016.

For Petitioner

: Mr.P.Banuprasath

For Respondents 1 to 3

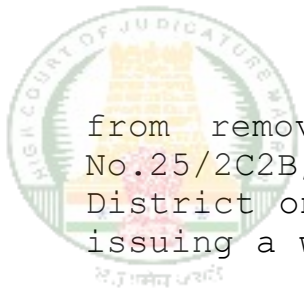
: Mr.D.Muruganandam,
Additional Government Pleader.

For R4

: No appearance

ORDER

[Order of the Court was made by **A.SELVAM, J.**]



from removing Sri Bhagavathi Amman Temple situated in Survey No.25/2C2B, Thisaiyanvilai Village, Radhapuram Taluk, Tirunelveli District on the basis of representation dated 08.12.2016 by way of issuing a writ of mandamus.

2. It is averred in the petition that in Survey No.25/2C2B, Thisaiyanvilai Village, Radhapuram Taluk, Tirunelveli District, a small temple by name Sri Bhagavathi Amman Temple is situated. The third respondent has been making arrangements to remove the same. Under the said circumstances, a representation has been given on 08.12.2016 and therefore the present writ petition has been filed for getting the relief sought therein.

3. Mr. D. Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the writ petition, notice need not be sent to the fourth respondent.

4. It is an admitted fact that the temple in question is situated in a layout and this Court has perused the plan relating to concerned layout and found that a place has been set apart for common purpose wherein the temple mentioned in the petition has been constructed without getting proper permission from the concerned authorities. Under the said circumstances, the third respondent has been taking action.

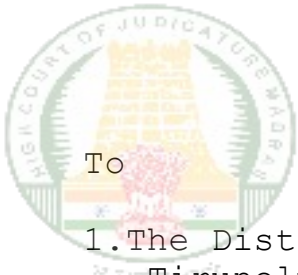
5. The learned counsel appearing for the petitioner has contended that the residents of layout have put up the temple in question in a common place and nobody is having objection, but the third respondent has unnecessarily attempted to take action and therefore a representation has been given on 08.12.2016, but the same has not been considered.

6. Considering the fact that a representation has been given on 08.12.2016, to that extent the Court can direct the third respondent to consider the representation and pass suitable order. With the above observation, this writ petition is liable to be allowed.

7. In fine, this writ petition is allowed without costs and the third respondent is directed to look into the representation dated 08.12.2016 alleged to have been given by the petitioner and pass suitable order within a period of one month. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar (Accounts)



To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Adi Dravidar Welfare and Land Acquisition Officer,
Nanguneri, Tirunelveli District.

3.The Executive Officer,
Selection Grade Panchayat,
Thisaiyanvilai,
Tirunelveli District.

+1 cc to MR.BANUPRASATH, Advocate SR.No.82474

+1 cc to Special Government Pleader Sr.No.82942

ORDER MADE IN
W.P(MD)No.24496 of 2016
and
W.M.P(MD)No.17679 of 2016
21.12.2016

SMA/KM/10.01.2017:3P/6C