

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6474 of 2017

1 G.Siva Kumar
2 P.Ravichandran .. Petitioners
Vs.

1 The Commissioner
HR and CE Administration
Department
Uthamar Gandhi Road
Chennai-600 034.

2 The Joint Commissioner
HR and CE Department
Coimbatore.

3 The Assistant Commissioner
HR and CE Department
Coimbatore.

4 The Executive Officer
A/m. Kariyakaliamman Temple
Kinathukadavu
Coimbatore District.

5 The Tahsildar
Kinathukadavu Taluk Kinathukadavu
Coimbatore District.

6 The Head Surveyor
Kinathukadavu Taluk Office
Kinathukadavu
Coimbatore District.

7 The Superintendent of Police
Ram Nagar, Coimbatore. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 6 to consider the petitioners' representation dated

27.12.2016 and to survey Karia Kalliyamman Temple Lands in S.Nos.40 and 96/2A and Mariamman temple land in S.F.No.41 of Kinathukadavu Village, Coimbatore District to remove the encroachments and to earmark and fence the land in above said each survey numbers with proper protection from the 7th respondent.

For Petitioners : Mr.Ananth Venkatesh
for Mr.D.R.Arunkumar

For Respondent : Mr.M.Maharaja
Special Govt. Pleader
for respondents 1 to 4
Mr.M.K.Subramanian
Government Pleader
for respondents 5 to 7

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.M.Maharaja, learned Special Government Pleader takes notice for respondents 1 to 4 and Mr.M.K.Subramanian, learned Government Pleader takes notice for respondents 5 to 7.

2. The petitioners have filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 6 to consider the petitioners' representation dated 27.12.2016 and to survey Karia Kalliyamman Temple Lands in S.Nos.40 and 96/2A and Mariamman temple land in S.F.No.41 of Kinathukadavu Village, Coimbatore District to remove the encroachments and to earmark and fence the land in above said each survey numbers with proper protection from the 7th respondent.

3. It is the case of the petitioners that temple properties have been unauthorizedly encroached upon by private parties. They made series of representations to the respondent authorities to survey the temple lands, remove the encroachments and to earmark the entire temple land and also paid necessary charges for surveying the land. It is alleged that even though on inspection of the properties the respondent authorities found encroachments, they have not taken effective steps to remove the same till date. The petitioner made representation to the respondent authorities on 27.12.2016. However, the same did not evoke any response from the respondent authorities. Hence, the present writ petition.

4. Mr.M.Maharaja, learned Special Government Pleader undertakes that respondents 1 to 4 will look into the matter and do the needful at the earliest.

5. We take on record the undertaking given by the learned Special Government Pleader on behalf of respondents 1 to 4. The said respondents shall remain bound by the same.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Sasi

To:

- 1 The Commissioner
HR and CE Administration Department
Uthamar Gandhi Road
Chennai-600 034.
- 2 The Joint Commissioner
HR and CE Department
Coimbatore.
- 3 The Assistant Commissioner
HR and CE Department
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- 4 The Executive Officer
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6 The Head Surveyor
Kinathukadavu Taluk Office
Kinathukadavu
Coimbatore District.

7 The Superintendent of Police
Ram Nagar, Coimbatore.

+1cc to Mr.V. Ananthamoorthy, Advocate, S.R.No.16457

+1cc to Special Government Advocate, S.R.No.16949

+1cc to the Government Pleader, S.R.No.16613

NMI (CO)
EU 6.4.17

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