

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.29891/2017

Adhimoolam S/o.Mookan .. Petitioner

Versus

1.The District Collector  
Dharmapuri District,  
Dharmapuri.

2.The Tahsildar  
Pappireddipatti Taluk  
Dharmapuri District.

3.Aadhimoolam, S/o.Kundan

4.Anandan, S/o.Kundan

5.Aadhimoolam, Melagu

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to remove the encroachments caused by the respondents 3 to 5 in and around Vinayagar Temple, Puduppatti, Adidraavidar Colony, Rani Mookkanur Post, Pappireddipatti Taluk, Dharmapuri District within a time frame.

For Petitioner : Mr.C.Munusamy

For RR1 & 2 : Mrs.M.E.Rani Selvam, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner claims that he is a resident of Puduppatti Adidraavidar Colony, Rani Mookkanu Post, Pappireddipatti Taluk, Dharmapuri District and has filed the

present writ petition as a Public Interest Litigation alleging among other things that in his hamlet, there are more than 300 dwelling houses and a Vinayagar temple is also located and the presiding Deity is worshipped by the people of Pappireddipatti Taluk and also by the residents of his hamlet and it is situated in Natham poramboke land. It is the specific case of the petitioner that respondents 3 to 5 had encroached upon the said poramboke land in and around the temple premises, more particularly, on the Eastern side of the temple and as a consequence, the devotees could not enter the temple for the purpose of worship and this fact was also brought to the knowledge of the 1<sup>st</sup> respondent by the petitioner by way of a representation dated 19.09.2015, with a copy marked to the Deputy Collector, Revenue Divisional Officer, the 2<sup>nd</sup> respondent herein and the Revenue Inspector of the jurisdiction and despite receipt and acknowledgment, no steps have been taken to remove the encroachment and therefore, the petitioner is constrained to file the present writ petition.

3 This Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation dated 19.09.2015 or in this writ petition, directs the 2<sup>nd</sup> respondent to cause inspection of the land in question with the help of the jurisdictional Surveyor, after putting the petitioner, the respondents 3 to 5 and other encroachers, if any, on notice and depending upon the same, shall take appropriate action in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, respondents 3 to 5 and the other encroachers, if any.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

ap

To

1.The District Collector  
Dharmapuri District,  
Dharmapuri.

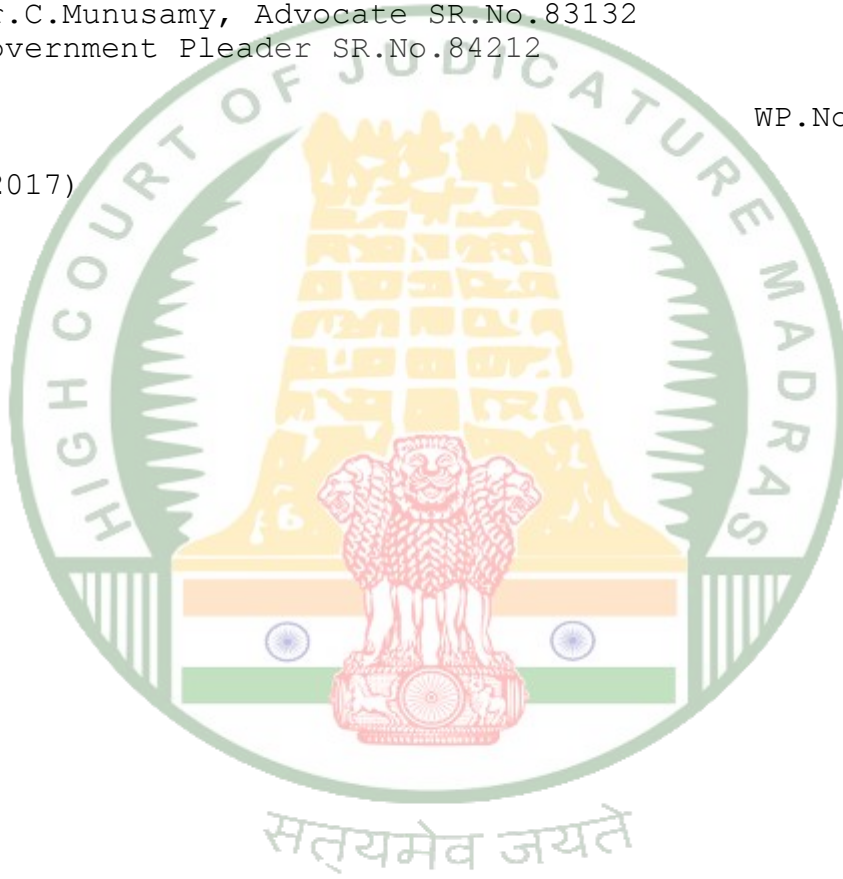
2.The Tahsildar  
Pappireddipatti Taluk  
Dharmapuri District.

+1cc to Mr.C.Munusamy, Advocate SR.No.83132

+1cc to Government Pleader SR.No.84212

WP.No.29891/2017

GN(18/12/2017)



WEB COPY