

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.2408 of 2016
and
W.M.P.Nos.2094 and 2095 of 2016

Arulmighu Devi Karumariamman
Temple, Rep. By its Trustee,
G.Ponnusamy.

... Petitioner

-Vs-

1. The Secretary to Government,
Public Works Department,
Fort St. George, Chennai 600 009.
2. The Junior Engineer,
Public Works Department,
Water Resources Organization,
Vandavasi 604 408.
3. The Tahsildar,
Vandavasi Taluk Office,
Vandavasi, Tiruvannamalai District.
4. The President,
Keezhkondungalur Village Panchayat,
Keezhkondungalur Village,
Vandavasi Taluk,
Tiruvannamalai District.
5. The Superintending Engineer,
TANGEDCO, Vandavasi Taluk,
Tiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from evicting the petitioner temple situated in survey No.271/1, Keezhkodungalur Village, Vandavasi Taluk, Tiruvannamalai District.

For Petitioner : M/s.Dakshayani Reddy
For Respondents : Mrs.Vasudha Thiagarajan
Additional Government Pleader
for RR 1 to 4
: Mr.Varun Kumar for R-5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Learned counsel for the petitioner states that in view of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, rep. by its Secretary and others, reported in 2015-5-L.W. 397, the petitioner would have no legs to stand in case the area in question is a water body. She, however, submits that according to the petitioner, the construction being a temple is at a gradient and would not come in the water body. Thus, she states that a fresh demarcation exercise be carried out in the presence of the petitioner.

2.In view of the aforesaid, the demarcation be carried out by respondent no.3 / Tahsildar, in the presence of the representative of the petitioner, to determine whether the allegation of the petitioner- temple not being in the water body is correct or not. Dependent on the same, action in accordance with law can be taken.

Writ petition is, accordingly, closed in the aforesaid terms. No costs. Consequently, W.M.P.Nos.2094 and 2095 of 2016 also stand closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

sra

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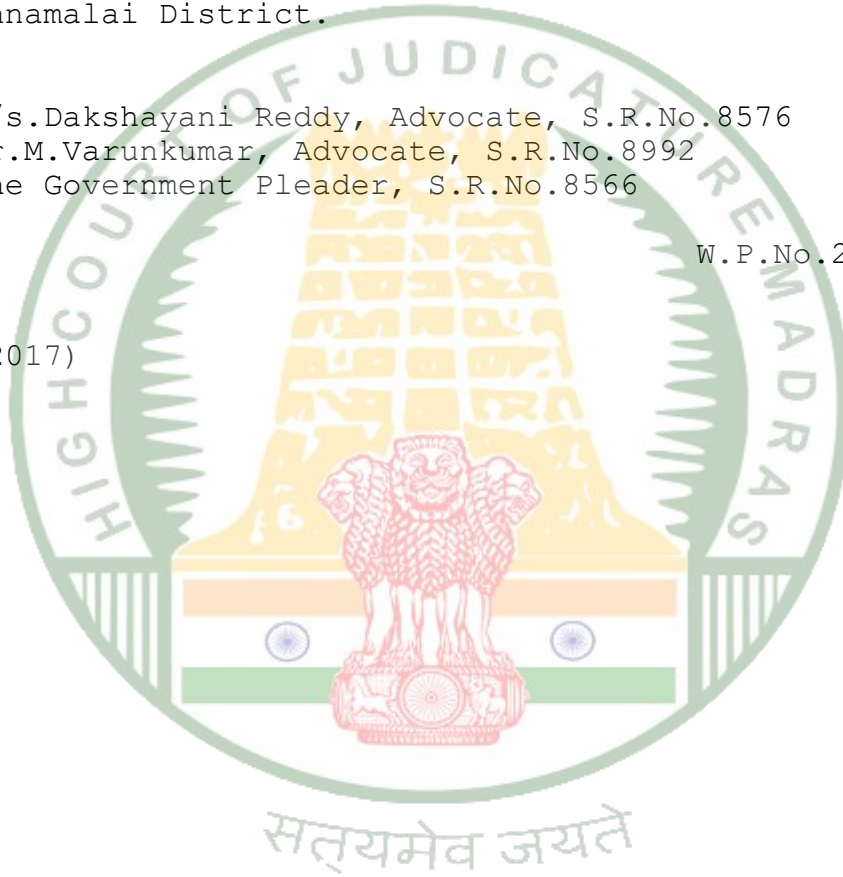
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+1cc to M/s.Dakshayani Reddy, Advocate, S.R.No.8576
+1cc to Mr.M.Varunkumar, Advocate, S.R.No.8992
+1cc to the Government Pleader, S.R.No.8566

W.P.No.2408 of 2016

KJ(CO)
CA(22/02/2017)



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