



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.11.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.13166 of 2015
and MP (MD) Nos.1 & 2 of 2015

WEB COPY

Thangavel Naicker

... Petitioner

Vs.

1.The District Collector
Madurai District.

2.The Tahsildar
Peraiyur Taluk,
Madurai District.

3.The Executive Officer,
Elumalai Town Panchayat,
Peraiyur Taluk,
Madurai District.

4.The President,
Elumalai Town Panchayat,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from laying the road in the temple property comprised in Survey No.448/2 situated at Elumalai, Peraiyur Taluk, Madurai District based on the petitioners representation dated 22.07.2015 sent to the respondents otherwise than and by following due process of law and thus render justice.

For Petitioner : Mr.S.Alagusundar

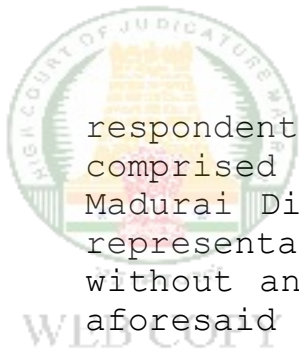
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate - for R1 & R2
: Mr.G.Muthukannan - For R3

ORDER

This Writ petition has been filed seeking a Writ of Mandamus forbearing the respondents from laying the road in the temple property comprised in Survey No.448/2 situated at Elumalai, Peraiyur Taluk, Madurai District based on the petitioner's representation dated 22.07.2015 sent to the respondents otherwise than and by following due process of law and thus render justice.

<https://hcservices.ecourts.gov.in/hcservices/>

2. It is the allegation of the petitioner that the



respondents are trying to lay a road in the temple property comprised in Survey No.448/2 situated at Elumalai, Peraiyur Taluk, Madurai District and against which the petitioner has submitted a representation dated 22.07.2015. As the same is kept pending without any progress, the petitioner is before this Court for the aforesaid relief.

3. The learned Counsel for the respondents and 2 has submitted that the allegation levelled against the department is not true and the petitioner has encroached the Government promboke property.

4. The learned Counsel for the petitioner has submitted that the representation of the petitioner shall be considered by the authorities, based on the available revenue records.

5. Under such circumstances, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the first respondent, to consider the representation of the petitioner dated 22.07.2015, after verifying the revenue records and pass suitable orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any. In the meanwhile, status-quo to be maintained.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector
Madurai District.

2.The Tahsildar
Peraiyur Taluk,
Madurai District.

+1cc to Mr.P.SIVACHANDRAN,Advocate,SR. 90183

+1cc to M/S.Special Government Pleader,SR. 89808

RM

KK/SV MMS/SAR 1/15.12.2017/ 2P- 5C/

W.P(MD)No.13166 of 2015

27.11.2017