



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.9306 of 2014

1.K.Thirunavukkarrasu @ K.T.Arasu
2.T.Sumathi

: Petitioners

Vs.

1. The Collector,
Collectorate,
Madurai District.

2. The Joint Commissioner,
Arulmigu Meenakshi Sundareswarar Devasthanam,
South Aadi Veedhi,
Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the encroachments made by the lessee of the second respondent in Kazhivu Neer Vaaikaal in the patta lands of the petitioners, under T.S.No.5/1A, 7/1 and Sur.No.293/8 situated at ward No.XXII, Block No.2, Madurai South, Madurai, by duly surveying the lands.

For Petitioners	: Mr.K.R.Laxman
For Respondent No.1	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader
For Respondent No.2	: Mr.S.Manohar

**O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioners filed this Writ Petition to direct the respondents to remove the encroachment made by the lessees of the second respondent.

2. Even, according to the petitioners, the lessees are in possession of the property given on lease by the second respondent. None of the lessees are parties to the Writ Petition. We, therefore, do not find any reason to issue a Mandamus as prayed for by the



petitioners.

3. In the upshot, we dismiss the Writ Petition. However, we make it clear that this order would not stand in the way of the second respondent from initiating appropriate action against the lessees, in case they are in unauthorized occupation of the temple land, after issuing notice to the lessees. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The Collector,
Collectorate,
Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69728
+ 1 CC TO Mr.S.MANO HAR, ADVOCATE IN SR No. 69540

SML/SM
TE/SKN-RSK/SAR-I : 08/08/2017 : 2P/4C

Order made in
W.P. (MD) No. 9306 of 2014
Dated:- 31.07.2017