



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.1214 of 2017

K.N.Mani Nadar

: Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4.The Block Development Officer,
Office of the Block Development Office,
Nilakottai Union,
Dindigul District.

5.The Village Administrative Officer,
Pallapatti,
Nilakottai Union,
Dindigul District.

6.The President,
Pallapatti Village Panchayat,
Nilakottai Taluk,
Dindigul District.

7.T.Mahesan,
Secretary,
Arulmighu Mallayyasamy Temple,
Pallapatti,
Nilakottai Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 6 herein to forthwith remove the encroachments made by the respondent in Government Poramboke land comprised in Survey Nos.158/2, 158/3, 158/4, 158/5, 158/6 and 158/7



situated at Pallapatti Village, Nilakottai Taluk, Dindigul District.

For Petitioner : Mr.R.Suresh Kumar
For R-1 to R-5 : Mr.M.Govindan,
Special Government Pleader
For R-7 : Mr.Sitharanjandas
(R-6 is given up)

O R D E R

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

The petitioner filed this Writ Petition to direct the respondents 1 to 6 to evict the seventh respondent treating him as an encroacher.

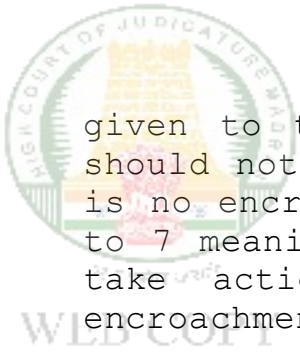
2. According to the petitioner, the seventh respondent is in unauthorised occupation of Government Poramboke land in Survey Nos.158/2 to 7, situated at Pallapatti Village, Nilakottai Taluk, Dindigul District.

3. The counter-affidavit filed by the seventh respondent and the documents available on record would indicate that the Government have given patta in respect of Survey Nos.158/2 to 7 to the Temple by name Arulmighu Mallayyasamy Temple and not to the seventh respondent. The seventh respondent is impleaded in his capacity as the Secretary of the said temple. The patta stands in the name of the temple in respect of Survey No.158/8. However, the temple is not made as a party in this Writ Petition. The prayer is not confined to the property in Survey No.158/8. The seventh respondent and the temple have no concern with the property referred to in the affidavit filed in support of this Writ Petition.

4. According to the petitioner, the local body granted permission to the temple to construct a shopping complex for commercial purpose. We are not concerned with the subsequent events. There is no challenge to the patta proceedings in respect of Survey No.158/8. Similarly, there is no challenge to the permission granted by the local body for construction of a shopping complex by the temple.

5. The other encroachers, who are stated to be in unauthorized occupation of the land in Survey No.158/2 to 7, are not parties in this Writ Petition. Therefore, we are not in a position to issue a Mandamus as prayed for by the petitioner.

<https://hcservices.courts.gov.in/hcservices/> we make it clear that this order disposing of the Writ Petition filed by the petitioner on account of the patta



given to the temple in respect of the land in Survey No.158/8, should not be construed to be an expression of opinion that there is no encroachment in respect of the property in Survey Nos.158/2 to 7 meaning thereby, it is open to the concerned authorities to take action against the encroachers, if there is any such encroachment.

7. The Writ Petition is disposed of, with the above observation. No Costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul District.
- 3.The Tahsildar,
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- 4.The Block Development Officer,
Office of the Block Development Office,
Nilakottai Union,
Dindigul District.
- 5.The Village Administrative Officer,
Pallapatti,
Nilakottai Union,
Dindigul District.

+1cc to Mr.Sitharanjandas,Advocate,SR.65449

+1cc to M/S.Special Government Pleader,SR. 65985

W.P.[MD].No.1214 of 2017
14.07.2017

PM

KK/SKN RSK/SAR3/24.07.2017/3P-8C/