



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12963 of 2017

R.Murugesan

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Divisional Engineer,
Highways Office,
Thamaraihotti,
Alagarkovil Road,
Madurai-2.

3.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

4.The Tahsildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

5.M.Muthiah

6.R.Balasubramani

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegally constructed compound wall, commercial building complex and illegally sunk bore well of respondents 5 and 6 in poromboke land in Survey No.143, E.Kottaipatti Village, Peraiyur Taluk, Madurai District and ensure the above poromboke land be free of encroachment on the basis of the representation dated 07.07.2017 and 08.08.2017.

For Petitioner

: Mr.T.Indrachithu

For Respondents 1 to 4

: Mr.T.S.Mohammed Mohideen

For Respondent no. 5

: S.M.Mohan Gandhi

For Respondent no.6

: No Appearance

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J**)

This writ petition has been filed for removal of the encroachment allegedly committed by the respondents 5 and 6 in Survey No.143, E.Kottaipatti Village, Peraiyur Taluk, Madurai District. The writ petitioner submitted a representation dated 07.07.2017 and 08.07.2017 respectively, in this regard. Since no action was taken, the present writ petition has been filed.

2.Heard the learned counsel appearing for the writ petitioner and the official respondents and also the learned counsel for the private respondents.

3.The learned counsel for the private respondents produced the revenue records to show that in Survey no.143, even as per A-Register, a temple is shown to be in existence.

4.We, therefore make it clear that the temple that is in existence shall not be disturbed. The fourth respondent/Tahsildar, Peraiyur Taluk is directed to undertake a comprehensive survey of the land in question. The Tahsildar shall give notice to the writ petitioner as well as the private respondents herein. Before undertaking such an exercise except the temple structure, the Tahsildar shall cause removal of any other encroachment.

5.The learned counsel appearing for the private respondents submitted that they want to put up a compound wall around the temple. This cannot be permitted. Whatever has been in existence so far in the form of temple structure can continue to remain as such. There cannot be further extension in the poramboke land. That would certainly affect the rights of other people. The Tahsildar, Peraiyur Taluk, after giving notice to the parties concerned may cause removal of all other encroachments. It is made clear that if any commercial complex is put up as alleged by the writ petitioner, the same shall not be allowed. It is needless to add that the fourth respondent shall follow due process of law, while causing removal of encroachments in question. The fourth respondent shall complete the entire exercise within a period of three months from the date of receipt of a copy of this order.

6.This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

/True copy/



To

1.The District Collector,
Madurai District,
Madurai.

2.The Divisional Engineer,
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Thamaraihatti,
Alagarkovil Road,
Madurai-2.

3.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

4.The Tahsildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

+1cc to Mr.T.INDRACHITHU,Advocate,SR. 70506

+1cc to Mr.S.M.MOHAN GANDHI,Advocate,SR. 70504

+1cc to M/S.Special Government Pleader,SR.70999

W.P. (MD) No.12963 of 2017
03.08.2017

MRN/VS

KK/SV MMS/SAR 1/06.10.2017/ 3P- 8C/