



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

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WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.19684 of 2017
and
WMP(MD) No.15971 of 2017

B.Muniyasamy

... Petitioner

vs.

1.The District Collector of Ramanathapuram,
Collectorate Complex,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram,
Ramanathapuram District.

4.The Executive Officer,
Ramanathapuram Samasthanam Devasthanam
Ramanathapuram.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to pass orders on the representation of the petitioner dated 23.10.2017 and forbear the respondents 1 to 3 from interfering in the existence of the temple named Malayalikovil about 60 years old and adjoining another temple named Arulmigu Om Sri Mahasakthi Uthira Kali Ruthra Devi Aalayam situate at the land measuring 4.9680.0 Sq.mr in Survey No.8 GRS No.270 Ward D Block No.1 of Ramanathapuram Town belongs to Ramanathapuram Devasthanam and to lay the Channel without damaging the temple.

For Petitioner

: Mr.M.MD.Ibrahim Ali

For RR - 1 to 3

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the respondents to pass orders on the representation of the petitioner dated 23.10.2017 and forbear the respondents from removing the temple in question.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

3. The learned counsel appearing for the petitioner submitted that the Government is laying a channel adjacent to the temple in question, which necessitates the removal of the temple. Hence, the petitioner has given a representation dated 23.10.2017 to the respondents requesting to renovate the old existing channel, which situates on the southern side of the temple instead of forming a new channel. Since the same has not been considered so far, the petitioner is before this Court with the above prayer.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the Town Sub Inspector of Survey, Ramanathapuram has already visited the temple in question on 23.10.2017 and ascertained the encroachment made therein. He has also produced the report dated 23.10.2017 for the perusal of the Court.

5. Such being the case, this Court, without going into the merits of the matter, directs the second and third respondents to consider the representation of the petitioner dated 23.10.2017 in the light of the report submitted by the Town Sub Inspector of Survey, Ramanathapuram dated 23.10.2017 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as any of the interested parties.

6. With the above direction, this writ petition is disposed of. In view of the order passed in this writ petition, the implead petition filed by the third party in WMP(MD)No.15971 of 2017 stands closed. No costs.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector of Ramanathapuram,
Collectorate Complex, Ramanathapuram District.
 2. The Revenue Divisional Officer, Ramanathapuram,
Ramanathapuram District.
 3. The Tahsildar, Ramanathapuram Taluk,
Ramanathapuram, Ramanathapuram District.
 4. The Executive Officer,
Ramanathapuram Samasthanam Devasthanam, Ramanathapuram.
- +One cc to The Special Government Pleader, SR.No.87030
+One cc to M/s.M.Mohamed Ibrahim Ali, Advocate, SR.No.86963