



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 28.03.2017
CORAM
THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**
W.P(MD)No.5375 of 2017

WEB COPY

S.Karuppan

..Petitioner

Vs

1. The District Collector,
Sivagangai District.
2. The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
3. The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to hand over the idol of the goddess Sri Kaliyamman seized by the third respondent on 22.12.2015 so as to enable installation of the same in the Petitioner's land in S.No.28/4, Nedungulam Village, Annavasal Group, Manamadurai Taluk, Sivagangai District.

For Petitioner	:M/s.V.P.Rajan
For Respondents	:Mr.A.Muthukaruppan Addl.Govt.Pleader

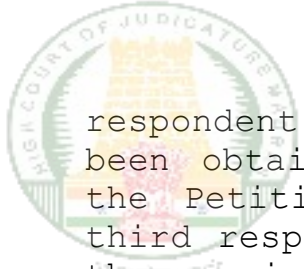
ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondents to hand over the idol of the goddess Sri Kaliyamman seized by the third respondent on 22.12.2015 so as to enable installation of the same in the Petitioner's land in S.No.28/4, Nedungulam Village, Annavasal Group, Manamadurai Taluk, Sivagangai District.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.According to the Petitioner, he is the owner of the land in S.No.28/4, Nedungulam Village, Annavasal Group, Manamadurai Taluk, Sivagangai District. The Petitioner wants to install the idol of Sri Kaliyamman in his patta land for worship for his community members. But however, the said idol was seized by the third



respondent on 22.12.2015 on the ground that no permission has been obtained before installation of the said idol. Thereafter, the Petitioner and his community members appeared before the third respondent on 22.12.2015 for enquiry and at the close of the enquiry, it appears that the third respondent stated to have taken a decision that the seized idol would be returned to the Petitioner in due course.

5. When the matter stood thus, vide communication, dated 14.10.2016, the third respondent had written a communication to the second respondent stating that the idol which was seized, can be returned to the Petitioner since the idol was stated to be installed in the Petitioner's own land and there will not be any problem as such. In spite of communication of the third respondent, dated 14.10.2016, no action had been initiated for the return of the idol. Therefore, the Petitioner was constrained to send a representation on 29.12.2016 to the respondents 1 and 2. In response to the representation, the first respondent/The District Collector, Sivagangai District, by proceedings, dated 3.1.2017 addressed to the third respondent, directed him to conduct an enquiry in regard to the request made by the Petitioner and also to submit a report to him. In spite of the communication by the first respondent, dated 3.1.2017, no action has been forthcoming from the competent authorities. In such circumstances, the Petitioner is before this Court for issuance of a Writ of Mandamus for the relief stated supra.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Since the third respondent himself has opined that the idol could be returned to the Petitioner, as there is no problem as such in the prevailing circumstances and the first respondent had also directed the third respondent to conduct an enquiry and redress the grievance of the Petitioner. Therefore, it seems to be no impediment in taking follow up action on the basis of the representation given by the Petitioner.

8. In view of the above, the third respondent is directed to pass orders for return of idol which was seized by him on 22.12.2015, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/



To

1. The District Collector,
Sivagangai District.

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

3. The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

+1cc to Special Government Pleader, SR.No.18888

+1cc to M/S.V.P.RAJAN, Advocate SR.No.18515

W.P(MD) No.5375 of 2017
28.03.2017

JM/SV MMS/SAR 4/19.04.2017/3P/6C