



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.7579 of 2017

and

W.M.P. (MD) .No.5925 of 2017

S.Angidisamy

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The District Revenue Officer,
Virudhungar District.

3.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

4.The Executive Officer,
O.Kovilpatti Village,
Sankaralingapuram Post,
Virudhunagar Taluk & District.

5.V.Krishnamoorthy

6.A.Raj

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 4 to remove the encroachments in Virudhunagar Sankaralingapuram Road at O.Kovilpatti Village, Sankaralingapuram Post, Virudhunagar Taluk, Virudhunagar District in S.Nos.1661/14, 1661/15, 1651/6, 1651/2, 1651/12, 1659/25 and 1018/53, within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Rajamohan

For R1 to R4 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For R5 & R46 : Mr.D.Arun Jayaram
For Mr.D.Sakkaravarthi

**ORDER**

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

The petitioner filed this writ petition to remove the encroachment in Virudhunagar-Sankaralingapuram Road at O.Kovilpatti Village, Sankaralingapuram Post, Virudhunagar Taluk, Virudhunagar District.

2. According to the petitioner, the respondents 5 and 6 have constructed a temple and subsequently extended the construction. Similarly, a community hall has been constructed by the local people.

3. The temple in question is stated to be owned by the community at large. It is stated to be an old temple. There is nothing on record to indicate that the construction in question is objectionable. Since the community hall was constructed by the village people for their benefit and the Government considered it as an amenity to the local people, we do not find any reason to direct the respondents 1 to 3 to demolish the construction. We, therefore dismiss the writ petition. However, we make it clear that this order would not stand in the way of the district administration from taking action against the offending construction, in case, it is found necessary at a later point of time. No costs. Consequently, W.M.P. (MD).No.5925 of 2017 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District.
2. The District Revenue Officer,
Virudhunagar District.
3. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
4. The Executive Officer,
O.Kovilpatti Village,
Sankaralingapuram Post,
Virudhunagar Taluk & District.

+1cc to Mr.R.RAJA MOHAN Advocate in SR. No.69292

+1cc to Mr.D.SAKKARAVARTHI Advocate in SR. No.69436

MJ/TSG

JS/GT/SAR.3/17.08.2017/ 2P-7C

W.P. (MD) No.7579 of 2017
and

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