



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.8275 of 2017

Mariappa Thevar : Petitioner

Vs.

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Palani.
3. The Joint Commissioner,
Palani Arulmigu Thandayuthabani Thirukoil,
Palani, Dindigul District.
4. The Tasildhar,
Palani Taluk,
Palani.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to remove the encroachment, compound wall raised by the third respondent in Town Survey Number in T.S.No.850 to an extent of 187.51 square feet, Ward No.3, Block 17, Palani City in violation of the decree passed in O.S.No.724 of 1982, District Munsif, Palani and in violation of the order passed by the second respondent in his proceedings in Na.Ka.No.8263/2013/A1 dated 17.12.2016 by considering the petitioner's representation dated 01.03.2017 within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents 1, 2 & 4 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For Respondent No.3 : Mr.K.Govindarajan



O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

WEB COPY This writ petition has been filed for issuing a Writ of Mandamus for directing the respondents to remove the compound wall put up by the third respondent in Survey No. 850 to an extent of 187.51 square feet, Ward No.3, Block 17, Palani City.

2.The writ petitioner had already submitted his representation dated 01.03.2017, in this regard.

3. When the matter was taken up for hearing, the learned counsel appearing for the third respondent filed the counter affidavit, pointing out that the subject land is under the maintenance of the third respondent temple. The dispute has arisen between the Temple and the Maravar Community. This led to filing of O.S.No.724 of 1982, on the file of the District Munsif Court, Palani. The Suit was partly decreed in favour of the temple but the said community people were allowed to enjoy the same for providing 'Thanneer Pandal' to the devotees. Except for enjoying the property for a period of 24 days, no other right has been given to the writ petitioner or any other person over the said property.

4.The third respondent has put up the compound wall only to protect the property and to prevent encroachment. Putting up the compound wall by the temple cannot be construed as an act of encroachment.

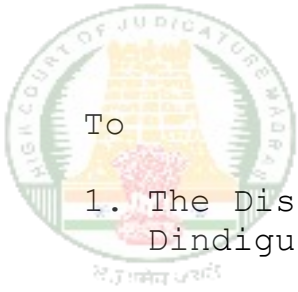
5.The learned counsel for the third respondent stated that there will be provision of a gate in the said compound and the key will be handed over to the community representatives, so that, they can occupy the property for providing the said "Thanneer Panthal" during the said period of 24 days. Upon completion of the said period of 24 days, the person receiving the key from the third respondent shall vacate the property and handover the land in question back to the third respondent temple.

6.Recording the submission of the third respondent and with the direction set out above, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True copy/



To

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Palani.
3. The Joint Commissioner,
Palani Arulmigu Thandayuthabani Thirukoil,
Palani, Dindigul District.
4. The Tahsildar,
Palani Taluk, Palani.

+1 cc to Mr.K.Govindarajan , Advocate in SR.No. 66938
+1 cc to Mr.T.A.Ebenezer , Advocate in SR.No. 66784

MR/GSP/SMI
AE/KP/SAR3/01.08.2017/3P/7C

W.P. (MD) No.8275 of 2017
19.07.2017