



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.24979 of 2016

and

W.M.P (MD) No.18074 of 2016

M.Rengasamy

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Oddanchathram Taluk,
Dindigul District.

3.The Sub Collector,
Palani, Dindigul District.

4.The Revenue Inspector,
Oddanchatram Revenue,
Oddanchathram, Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from demolishing the temple "Arul Jothi Ashram Sri Muneeswaran, Sri Parameswaran, Other Grama Parivara Deivangal", Lakayankottai, Oddanchathram Taluk, Dindigul District in pursuance of the notice dated 28.11.2016 issued by the third respondent in Na.Ka.No.8350/16E3.

For Petitioner : Mr.A.G.Senthilkumar

For Respondents : Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

<https://hcservices.ecourts.gov.in/hcscservices/>

This writ petition has been filed under Article 226 of the Constitution of India praying to forbear the respondents from



demolishing the temple namely Arul Jothi Ashram Sri Muneeswaran, Sri Parameswaran, Other Grama Parivara Deivangal, Lakayankottai, Oddanchathram Taluk, Dindigul District, by way of issuing a writ of mandamus.

2. It is averred in the petition that the petitioner is a resident of Lakayankottai Village, Oddanchathram Taluk, Dindigul District. Further it is averred in the petition that the temples mentioned in the petition are in existence in Survey No.317/1 and now the respondents without following due process of law have been making arrangements to demolish the same. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. The learned counsel appearing for the petitioner has repeatedly contended to the effect that the temples mentioned in the petition are nothing, but village temples and even in revenue records, the same has been shown, but the respondents without following due process of law, are making arrangements to demolish the same and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

4. Per contra, the learned Additional Government Pleader appearing for the respondents has contended that after giving proper notice as per law all encroachments made in Survey No.317/1 have been removed, except sanctum sanctorum of a particular temple and to that effect the second respondent has submitted a report and therefore the relief sought in the writ petition cannot be granted.

5. In fact this Court has perused the report submitted by the second respondent, wherein it has been clearly stated that the objectionable encroachments made in Survey No.317/1 have been removed except sanctum sanctorum of a particular temple.

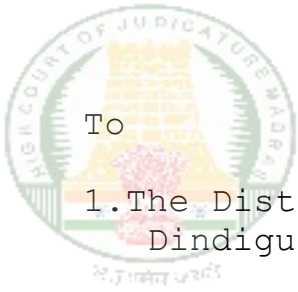
6. Considering the fact that already objectionable encroachments have been removed after following due process of law, the relief sought in the writ petition cannot be granted and therefore the present writ petition deserves to be dismissed.

7. In fine, this writ petition is dismissed without costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(Crl Section)

/True Copy/



To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Oddanchathram Taluk,
Dindigul District.

3.The Sub Collector,
Palani, Dindigul District.

4.The Revenue Inspector,
Oddanchatram Revenue,
Oddanchathram, Dindigul District.

+1 cc to M/s. Special Government Pleader in SR.No.494

smn

TTN/SS2-KSM/11.01.2017 : 3P-6C

ORDER MADE IN
W.P(MD)No.24979 of 2016
and
W.M.P(MD)No.18074 of 2016