



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11785 of 2011

Shrimath Vedantha Desigar Thiruvu/Sannadhi
and Thirukoil, Perumal Malai Adivaaraam,
Rep By its Managing Trustee and Kudipadai,
S.Narayanasamy Reddiyar, Maaraadi Village,
Thuraiyur Taluk,
Tiruchirappalli District.

.. Petitioner

Vs.

1. The District Collector,
Tiruchirappalli.
2. The Revenue Divisional Officer,
Musiri, Tiruchirappalli District.
3. The Thasildar,
Thuraiyur, Tiruchirappalli District.
4. The Superintendent of Police,
Tiruchirappalli.
5. Kalarani

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents to remove the encroachment made by the 5th Respondent in Survey No.82/1 and Survey No.83/4, Muthiamapalayam Village, Thuraiyur Taluk, Tiruchirappalli District as per the order passed by the 2nd Respondent on 23-07-2008 and also as instructed by the 1st Respondent by proceedings dated 20-07-2011, so as to enable the worshippers to use the passage for coming around the temple.

For petitioner

: Mr.V.Panneerselvam for
M/s.C.S.Associates

For Respondents 1 to 4

: Mr.T.S.Md.Mohideen
Additional Government PleaderFor 5th Respondent

: Mr.D.Shanmugaraj Sethupathi



O R D E R

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

The petitioner has filed this writ petition to direct the respondents 1 to 4 to take action against the fifth respondent and remove the encroachments said to have been put up by her in respect of the land in Survey Nos.82/1 and 83/4, Muthiamapalayam Village, Thuraiyur Taluk, Tiruchirappalli District.

2.The affidavit does not contain a clear indication that the land in Survey Nos.82/1 and 83/4 is a public property. The petitioner, in one place, even indicated that the property is a patta land.

3.It is not possible to issue a writ of mandamus, on the basis of the materials on record. We, therefore, dismiss the writ petition, with liberty to file a comprehensive writ petition, indicating the correct particulars. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirucharapalli.
2. The Revenue Divisional Officer,
Musiri, Tirucharapalli District.
3. The Thasildar,
Thuraiyur, Tirucharapalli District.
4. The Superintendent of Police,
Tirucharapalli.

+ 1 CC TO Mr.D.SHANMUGARAJA SETHUPATHI, ADVOCATE IN SR No. 70392
+ 1 CC TO Mr.V.PANNEER SELVAM, ADVOCATE IN SR No. 70485
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70948

VS/VSG

TE/KK/SAR-IV : 29/08/2017 : 2P/8C