



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM:

WEB COPY

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

W.P. (MD) Nos.12611 of 2011 & 12635 of 2013
and
M.P. (MD) Nos.1 of 2012 & 1 of 2013

Irulayee Ammal

... Petitioners in both W.p's

Vs.

1. The Department of Land Administration,
Rep thro its Principal Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-5.

... Respondent in
W.P. (MD) No.12611 of 2011

2. The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondents in both W.p's

3. The Tahsildar,
Tiruchuzi Taluk,
Virudhunagar District.

4. The Sub Inspector,
A.Mukkulam, Police Station,
A.Mukkulam,
Tiruchuzhi Taluk,
Virudhunagar District.

5. The Village Administrative Officer,
M.Pudhukulam Village,
Alagapuri Post,
Narikudi Via,
Virudhunagar District.

5.Rajendran

6.Mani

7.Panchatcharam

8.Arumugam

.. Respondents in
W.P. (MD) No.12635 of 2013



PRAYER in W.P. (MD) No. 12611 of 2011: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.G2/9731/2011 dated 11.10.2011 and quash the same and direct the respondent to remove the encroachment of Sri Sengarudaiya Ayyanar Koil in the bank of Manakulam Kanmai(tank) as directed in the 1st respondent's letter in D.O.Lr.No.T1/Special-2/25820/2009 dated 05.03.2010.

PRAYER in W.P. (MD) No. 12635 of 2013: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from giving permission to conduct the temple festival by the respondents 5 to 8 in Sri Sengarudaiya Ayyanar Koil situated in the bank of Manakulam Kanmai(tank), M.Pudhukulam Village, Thiruchuli Taluk, Virudhunagar District by considering the representation dated 29.06.2013.

In both petitions,

For Petitioner : Ms.Akila
for Mr.Haja Mohideen

For Respondents : Mr.M.Govindan
Special Government Pleader
for R1 & R2 in W.P. (MD) No. 12611/2011
& for R1 to R4 in W.P. (MD) No. 12635/2013

: Mr.R.Murali
for Mr.M.Suresh Kumar
for R5 to R8 in W.P. (MD) No. 12635/2013

COMMON ORDER

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

The writ petitioner in W.P. (MD) No. 12611 of 2011 challenges the order dated 11.10.2011 and seeks removal of the encroachment said to have been committed on the bank of Manakulam Kanmai.

2. But the revenue authorities have categorically stated that the temple has not committed any encroachment as alleged by the writ petitioner. It is also pointed out that the writ petitioner's brother had already filed a writ petition in this regard and the same was dismissed.

3. Therefore, no relief can be granted and W.P. (MD) No. 12611 of 2011 stands dismissed. In view of the dismissal of W.P. (MD) No. 12611 of 2011, nothing survives for adjudication in W.P. (MD) No. 12635 of 2013.



4. Both writ petitions accordingly stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

WEB COPY

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary and
Commissioner of Land Administration,
The Department of Land Administration,
Ezhilagam, Chepauk,
Chennai-5.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Tahsildar,
Tiruchuzi Taluk,
Virudhunagar District.
4. The Sub Inspector,
A.Mukkulam, Police Station,
A.Mukkulam,
Tiruchuzhi Taluk,
Virudhunagar District.

+ 1 CC TO Mr.A.HAJA MOHIDEEN, ADVOCATE IN SR No. 70521
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70989

RMI/GNS

TE/SV-MMS/SAR-II : 07/09/2017 : 3P/7C

COMMON ORDER MADE IN
W.P. (MD) Nos. 12611 of 2011 & 12635 of 2013 and
M.P. (MD) Nos. 1 of 2012 & 1 of 2013
04.08.2017