



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P (MD) No.13661 of 2013
and
M.P (MD) Nos.1 and 2 of 2013

M.Namasivayam,
Son of Late, Mathinram Pillai,
Secretary,
Swamy Arulmigu Sri Vedamoorthy Thirukkoil,
27, South Street,
Thatchanallure Post,
Tirunelveli - 627 358

(Name of the Petitioner substituted as per order of this Court
made in W.M.P (MD) No.2964 of 2016, dated 9.1.2017_ ..Petitioner

.vs.

1.The State of Tamil Nadu,
represented by its Secretary,
High ways Department,
St.George Fort,
Chennai -9.

2.The Chief Engineer,
NABARD and Rural Roads,
Chennai - 2.

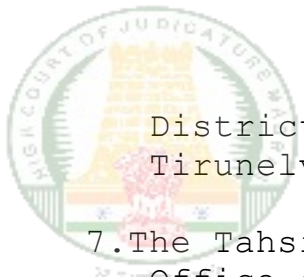
3.The Superintending Engineer,
National Highways Department,
NABARD and Rural Roads,
Tirunelveli - 7.

4.The Divisional Engineer,
National Highways Department,
NABARD and Rural Roads,
Tirunelveli - 7.

5.The District Collector,
District Collectorate,
Tirunelveli.

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

6.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,



District Collectorate,
Tirunelveli.

7.The Tahsildar,
Office of the Tahsildar,
Tirunelveli Junction,
Tirunelveli,
Tirunelveli District.

8.The Tahkkar,
Arulmighu Nelliappar Gandhimathi Ambal Temple,
Thathanallu, Tirunelveli.

9.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai - 600 034.

10.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli-2.

(R8 impleaded as per order of this Court in M.P(MD)No.1 of 2014,
dated 24.2.2017)

(Respondents 9 and 10 and impleaded as per order of this Court
made in W.M.P(MD)No.3268 of 2017, dated 20.3.2017) ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.639/E.Va.A.2/2013, dated 23.7.2013 on the file of the respondents 4 and to quash the same as illegal and consequently to direct the respondents 4 and 5 to realign the road passing through Swamy Arulmighu Sri Vedamoorthy Thirukkoil, measuring an extent of 10 cents in S.No.127/1, situated at Thatchanallur, Tirunelveli District.

For Petitioner :M/s.T.Lajapathi Roy

For Respondents :Mr.S.Kumar
1 to 7 Addl.Govt.Pleader

For Respondent-8 :No appearance

ORDER

<https://hcservices.apprajeev.in/hcservices> Acquisition and consequent demolition of the temple, which is said to be thousand years old, the Petitioner, who is the Trustee, has filed this Writ Petition.



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. According to the Petitioner, the temple of Arulmighu Vedamoorthy and Nelliappar situated in Thatchanallur Village, Tirunelveli District is more than thousand years old and he is the hereditary trustee of the said temple. The respondents had marked certain portions of the temple stating that it is required for laying service road for the Railway Over-bridge to be constructed. Since the marked portion includes the sanctum sanctorum of the temple, the Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Certiorari and Mandamus to quash the impugned order, dated 23.7.2013, wherein, his request for realignment of the service road was rejected.

4. This Court has granted an order of interim stay pending disposal of the above Writ Petition. In the counter affidavit filed by the fourth respondent, namely the Divisional Engineer, NABARD Rural Roads, it is stated that the proposal for acquisition has been sent to the HR and CE Department and only after the Commissioner, HR and CE grants the No Objection Certificate, the work will be taken up. As of today, there is no notification for acquisition of the land belonging to the temple.

5. Therefore, this Writ Petition is disposed of, with a direction to the authorities concerned not to proceed with the acquisition without the No Objection Certificate from the HR and CE Department. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
High ways Department,
St. George Fort,
Chennai - 9.
2. The Chief Engineer,
NABARD and Rural Roads,
Chennai - 2.
3. The Superintending Engineer,
National Highways Department,
NABARD and Rural Roads,
Tirunelveli - 7.



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Arulmighu Nelliappar Gandhimathi Ambal Temple,
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10. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli-2.

+1 cc to Special Government Pleader, SR.No. 16181
+1 cc to Mr.T.Lajapathi Roy, Advocate, SR.No. 16056

**W.P(MD)No.13661 of 2013
and
M.P(MD)Nos.1 and 2 of 2013
20.03.2017**

vsn
MKV-SKN-RSK-SAR 4/3.4.2017/4P-13C