



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.2917 of 2013
and
MP(MD) Nos.1 and 2 of 2013

S.Mariappan

... Petitioner

-vs-

1. The District Collector,
Collectorate,
Theni District, Theni.
2. The Revenue Divisional Officer,
Periyakulam,
Theni District.
3. The Tahsildar,
Aandipatti Taluk,
Theni District.
4. The Panchayat President,
Muthalamparai Panchayat,
Aundipatti Taluk,
Theni District.
5. R.Mokkai
6. S.Natchiappan
7. N.Anar
8. V.Andi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the Anchaneyar Idol installed at the Petitioner's share of the property to the extent of 94.68 cents in the Eastern side of the total stretch of lands to an extent of 1.15.0 Hectares in Survey No.1076/3B44 of Kadamalaikundu Village, Aundipatti Taluk, Theni District and further to prevent the Construction of a temple in the above mentioned land belonging to the petitioner within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For R1 to R4

: Mr.T.S.Mohammed Mohideen

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

Additional Government Pleader

For R5 & R8

: Mr.C.M.Arumugam

**ORDER**

This writ petition has been filed seeking a direction to the respondents 1 to 4 to remove the Anchaneyar Idol installed at the petitioner's share of the property to the extent of 94.68 cents in the Eastern side of the total stretch of lands to an extent of 1.15.0 Hectares in Survey No.1076/3B44 of Kadamalaikundu Village, Aundipatti Taluk, Theni District and further to prevent the construction of a temple in the above mentioned land belonging to the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader for the respondents 1 to 4 and the learned counsel appearing for the respondents 5 to 8.

3. The case of the petitioner is that the respondents 5 to 8 along with others have installed 'Anjaneyar' idol in the petitioner's property without his consent and in order to remove the same and also to prevent further construction of a temple in the property, the petitioner has given a representation on 27.01.2013 to the respondents 1 to 4. Since no action has been taken on the representation, the petitioner is before this Court with the above prayer.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that if a reasonable time is granted to the respondents 1 to 4, the representation of the petitioner will be considered and appropriate orders will be passed.

5. In view of the said submission, this Court, without going into the merits of the matter, directs the respondents 1 to 4 to consider the representation of the petitioner dated 27.01.2013 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and any of the interested parties.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, MP(MD)Nos.1 and 2 of 2013 are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Collectorate,
Theni District, Theni.

2. The Revenue Divisional Officer,
Periyakulam,
Theni District.

3. The Tahsildar,
Aandipatti Taluk,
Theni District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 89428
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89944

MJ

TE/SV-MMS/SAR-2 : 18/12/2017 : 3P/6C

W.P(MD)No.2917 of 2013 and
MP(MD)Nos.1 and 2 of 2013
24.11.2017