

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.24443 of 2018

and

WMP No.28484 of 2018

M.Nachimuthu

... Petitioner

vs.

1. The District Collector,
Erode,
Erode District.

2. The Tahsildar,
Perundurai Taluk,
Erode District.

3. S.Ravi

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, forbearing the respondents 1 and 2 from removing the Om Kalam Temple and Maha Kalam Temple in Survey No.991/23 in Athampalayam Village, Erode District without considering the representation dated 01.09.2018.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents: Mr.T.N.Rajagopalan, (For R1 & R2)
Government Pleader

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Prayer sought for in the writ petition is for a mandamus, forbearing the respondents 1 and 2 from removing Om Kalam Temple and Maha Kalam Temple in Survey No.991/23 in Athampalayam Village, Erode District without considering the petitioner's representation dated 01.09.2018.

2. Said prayer is contrary to the directions issued in paragraph No.5 of the order made in W.P.No.16042 of 2018 dated 29.06.2018, which reads thus.

"5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent, to put the petitioner as well as the third respondent on notice and cause inspection of the land in S.No.991/23 of Grama Natham, Vellode, within a period of four (4) weeks from the date of receipt of a copy of this order and depending upon the law, to remove the encroachment, including the religious construction / temple, within a further period of eight (8) weeks thereafter and communicate the decision taken to the petitioner as well as to the 2nd respondent."

3. When attention to paragraph No.5 of the order stated above is brought to the notice of the learned counsel for the petitioner, he seeks permission to withdraw the writ petition and also made an endorsement to that effect.

4. Permission is granted and writ petition is dismissed as withdrawn. No costs. Consequently, the writ miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ars

To

1. The District Collector,
Erode,
Erode District.

2. The Tahsildar,
Perundurai Taluk,
Erode District.

+1cc to Mr.A.Sundaravadhanam, Advocate, S.R.No.64474
+1cc to the Government Pleader, S.R.No.65223

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rrs 01/10/2018