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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.11.2018

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND**

**THE HONOURABLE MRS.JUSTICE R.THARANI
W.P. [MD] .No.1357 of 2018**

and

W.M.P (MD) Nos.1442, 1443 & 2797 of 2018

PL.Lakshmanan

: Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildar,
Thiruppathur Taluk,
Thiruppathur,
Sivagangai District.

4. The Zonal Deputy Tahsildar,
Thiruppathur,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the fourth respondent in Thiruppathur Tahsildar in File No.Na.Ka.A4/6940/2017 dated 20.09.2017 and quash the same and consequently forbearing the respondents from interfering the "Sri Selva Thesiya Vinayagar Temple", construction made in S.F.No.359, Keernipatti Vilage, Thiruppathur Taluk, Sivagangai District.

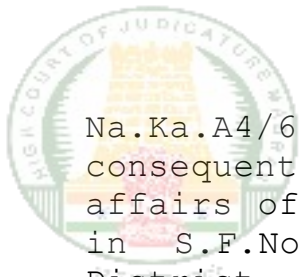
For Petitioner : M/s.V.Muthukamatchi

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader

O R D E R

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

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned order passed by the fourth respondent in



Na.Ka.A4/6940/2017 dated 20.09.2017 and quash the same and consequently, forbear the respondents from interfering with the affairs of "Sri Selva Thesiya Vinayagar Temple", construction made in S.F.No.359, Keernipatti Vilage, Thiruppathur Taluk, Sivagangai District.

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2. The case of the petitioner is that in the petitioner's village namely Keeranipatti village, there is a temple called 'Arulmigu Sri Vinayagar Temple' located in S.F.No.359. The said temple is there from time immemorial. The said survey number 359 is classified as Government Poramboke land and the same stands in the name of Aanai Vizhunthan Tank & Temple in the revenue records, covering total extent of 1.31.5 hectares.

3. According to the petitioner, the temple was constructed 200 years back. Now, it is in dilapidated condition. Therefore, the village people decided to construct new temple nearby old temple by name 'Sri Selva Thesiya Vinayagar Temple'. Therefore, pursuant to the decision taken by the village people, the petitioner was appointed as the President of 'Temple Thiruppani Committee' and they have started construction work. The construction work was completed more than 60%. At that time, one of the villagers by name Velu, S/o.Chinnakaruppan has made a complaint to the first respondent stating that the new temple is constructed in a Government Poramboke Land. Based on that complaint, a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, was issued on 20.09.2017. The petitioner had also sent a reply dated 28.12.2017. In the meantime, the petitioner approached this Court to quash the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

4. When the matter was taken up for consideration, the learned Additional Government Pleader submitted that it is only a show-cause notice and a reply was also submitted by the petitioner. But, even before considering the said reply, the petitioner had approached this Court with the aforesaid prayer.

5. In view of the submissions of the learned Additional Government Pleader, we are of the opinion that since the petitioner had already sent a reply to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, it is for the third respondent to consider the said reply and pass appropriate orders. Therefore, we are not inclined to entertain the prayer made in this writ petition. Hence, this writ petition is dismissed. However, the third respondent is directed to consider the reply sent by the petitioner and pass appropriate orders as expeditiously as possible, preferably, within a period of fifteen days from the date of receipt of a copy of this order.



6. With the above direction, the Writ Petition is disposed of.
No Costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
3. The Tahsildar,
Thiruppathur Taluk, Thiruppathur,
Sivagangai District.
4. The Zonal Deputy Tahsildar,
Thiruppathur,
Sivagangai District.

+1 cc To M/s.V.Muthukamatchi, ADVOCATE IN SR NO.96356

+1cc to Special Government Pleader Sr.No.96582

pm

MK/KK/PM/SAR 3/28.12.2018/3P/7C

ORDER MADE IN
W.P (MD) No.1357 of 2018
22.11.2018