



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No. 2115 of 2018
and
W.M.P(MD)No.2368 of 2018

C.Manoharan

.. Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Block Development Officer,
Kadavur Union,
Tharagampatti,
Kadavur Taluk,
Karur District.

3.The Assistant Commissioner,
Hindu Religious & Charitable endowments,
Karur,
Karur District.

4.The Tahsildar,
Kadavur Taluk,
Tharagampatti,
Karur District.

5.R.Aandiappan

6.R.Mariyappan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments in Temple lands having total extent of 17 acres and 70 cents situated in Survey Nos.753/2, 312, 423/3, 427/2, 304/6 at Sembiyanantham Village, Kadavur Taluk, Karur District by taking action against the respondents 5 and 6.



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For Respondents

: Mr.M.Murugan,
Government Advocate
for R.1, R.3 and R.4

: Mr.B.Bhagavathi
Government Advocate
for R.2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, this writ petition itself is taken up for final disposal.

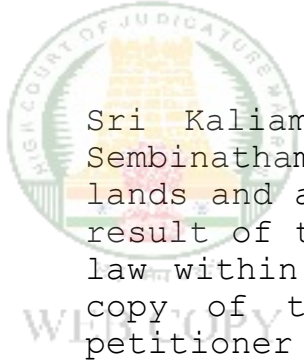
2. Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of the respondents 1, 3 and 4 and Mr.B.Bhagavathi, learned Government Advocate, accepts notice on behalf of the second respondent.

3. The petitioner, on an earlier occasion, filed in W.P.(MD). No.1247 of 2018 against the fourth respondent as well as the second respondent herein, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fourth respondent, dated 30.10.2017 and quash the same with consequential direction directing him to permit the petitioner trust to conduct the "Kudamuzhukku" festival of the Sri Kalliamman Temple situated at Rayappagoundanoor, Sembinaatham, Kadavoor Taluk, Karur District scheduled to be held on 11.02.2018 and the said writ petition has been entertained, however no interim orders are in operation.

4. The present grievance expressed by the petitioner from his representation, dated 22.01.2018, appears to be that the private respondents, not only encroached upon the lands belonging to Arulmigu Sri Kalliamman Temple and Vinayagar Temple, but also earning income out of the said encroachment and not permitting the residents of the Rayappagoundanoor to celebrate the temple festival in a peaceful manner.

5. Heard the submissions of the learned Counsel appearing for the petitioner and the learned Government Advocates appearing for the respondents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the case projected by the petitioner either in his representation dated 22.01.2018 or in this writ petition, directs the fourth respondent to put the private respondents 5 and 6 on notice and to find out as to whether Arulmigu



Sri Kaliyamman Temple and Vinayagar Temple of Rayappagoundanoor, Sembinatham, Kadavoor Taluk, Karur District are in possession of the lands and also as to the existence of pathway and depending upon the result of the same, shall take appropriate action in accordance with law within a period of three months from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the private respondents.

6.This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Karur District,
Karur.

2.The Block Development Officer,
Kadavur Union,
Tharagampatti,
Kadavur Taluk,
Karur District.

3.The Assistant Commissioner,
Hindu Religious & Charitable endowments,
Karur,
Karur District.

4.The Tahsildar,
Kadavur Taluk,
Tharagampatti,
Karur District

+One cc to The Special Government Pleader, SR.No.46216
+One cc to Mr.R.Shankar Ganesh, Advocate, SR.No.45640

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RL/7C/3P/SV/MMS/SAR1/20/2/2018