



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.02.2018
CORAM:

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

W.P(MD)No.3731 of 2018

R.Palanivelu

... Petitioner

Vs.

1.The District Collector,
Pudukottai District, Pudukottai.
2.The Executive Officer,
Hindu Religious and Charitable
Endowments Department,
Arulmigu Naganatha Swamy Thirukovil,
Peraiyoor,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second Respondent to remove the encroachments under the instruction of first Respondent based on the representation dated 07.02.2018.

For Petitioner : Mr.B.Char Murugan

For 1st Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

For 2nd Respondent : Mr.G.Mathavan

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the first respondent and Mr.G.Mathavan, learned counsel accepts notice on behalf of the second respondent.

3.The petitioner claims to be a resident of Aranthangi, Pudukottai District has filed this Writ Petition, styled as Public Interest Litigation, alleging that a famous temple is there, namely, Arulmigu Naganatha Swamy Temple, which is in existence for very many centuries and lot of devotees take a holy dip in the temple pond and thereafter have a worship of the deity. The grievance of the petitioner is that right on the banks of the pond encroachments in the form of shops came into being and they are not only polluting the area but also causing inconvenience to the devotees, who used to take a holy dip in the pond. In this regard, he submitted a representation dated 07.02.2018, to the respondents and despite receipt and acknowledgement no action has been taken to



remove the encroachments and therefore, he is constrained to approach this Court with the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who accepts notice for the first respondent and the learned counsel, who accepts notice for the second respondent.

5. Learned counsel for the second respondent would submit that a lot of encroachments have been made on the banks of the pond and it is causing inconvenience to the women devotees who are taking a holy dip in the pond attached to the temple. Since the land has been classified as Water Course Porampoke (நீர் வழி புறம்போக்கு), it is for the jurisdictional Tahsildar to take action. Though the said official has been approached, no action is forthcoming.

6. Mr. A. Muthukaruppan, learned Additional Government Pleader, who accepts notice for the first respondent would submit that necessary direction may be given to the jurisdictional Tahsildar to proceed against the encroachments in accordance with law.

7. 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 07.02.2018 or in this Writ Petition, permits the petitioner to submit one more representation to the Tahsildar, Thirumayam, Pudukottai District along with a copy of this order as well as a copy of the earlier representation dated 07.02.2018 with relevant supporting documents as to the nature of the land in question, within a period of three weeks from the date of receipt of a copy of this order and upon receipt of the same, the Tahsildar, Thirumayam shall cause inspection to the land in question along with the jurisdiction Surveyor and depending upon the result of the same, after putting notice on the encroachers shall take necessary action in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

8. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Tahsildar, Thirumayam, Pudukottai District

2. The District Collector, Pudukottai District, Pudukottai.

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

+One cc to Mr. B. Charmurugan, Advocate, SR.No.50822

+One cc to M/s. G. Mathavan, Advocate, SR.No.51038

sj

RL/5C/2P/KK/SAR4/8/3/2018

W.P (MD) No.3731 of 2018

23.02.2018