



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:28.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition (MD) No.15301 of 2018
and

W.M.P. (MD) .No.13813 of 2018

M.Tirunavukarasu

...Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Sub-Collector/RDO
Sub Collector Office,
Devakottai,
Sivagangai District.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Na.Ka.A1-2631-2018 dated 22.06.2018 and quash the same and consequently direct the respondents to grant permission to reconstruct Uthama Mariamman Temple at the place where it was situated earlier in S.No.249 of Siravayal Village or in the alternative to grant permission any suitable place in S.No.249 of Siravayal Village after due consultation with the Villagers.

For Petitioner	: Mr.B.Senthil Nathan
For Respondents	: Mr.A.K.Baskara Pandian Additional Govt. Pleader

ORDER

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

The writ petition has been filed, challenging the impugned order passed by the 2nd respondent dated 22.06.2018 and quash the same and consequently direct the respondents to grant permission to reconstruct Uthama Mariamman Temple at the place, where it was situated earlier in S.No.249 of Siravayal Village or in the alternative to grant permission any suitable place in S.No.249 of Siravayal Village, after due consultation with the Villagers.

2.The petitioner's request to reconstruct the temple in the place of old dilapidated one was rejected on the ground that it was situated in a land which is classified as a water body.



3.The learned counsel appearing for the respondent submitted that the old temple was in existence much earlier.

4.In view of the above, we are of the view that the submission of the petitioner cannot be countenanced for the simple reason that no construction can be allowed in a land which is classified as a 'water body'. For that reason, we find that there is no error in the order passed.

5.Accordingly, this writ petition stands dismissed. However, the petitioner is given liberty to identify some other unobjectionable land belonging to the Government for the construction of the temple. As and when such a request is made by the petitioner, the respondents shall consider the same. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Sub-Collector/RDO
Sub Collector Office,
Devakottai,
Sivagangai District.

+1CC to Mr.B.Senthil Nathan, Advocate, SR.No.80760

+1CC to the Special Government Pleader SR.No. 80779

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VS

ES/PM/SAR 1/25.09.2018/2P/5C