



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

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PRESENT

**The Hon`ble Mr.Justice HULUVADI G. RAMESH
AND
The Hon`ble Mr.Justice M.DURAI SWAMY**

**WMP(MD) No.14389 of 2018
IN
WP(MD) No.16152 of 2018**

V.ARUNACHALAM

... PETITIONER/PETITIONER

Vs

1 THE COMMISSIONER,
KARUR CITY, KARUR.

2 THE THASILDAR,
KARUR TALUK, KARUR DISTRICT.

3 IDOL ARULMIGU VANJULEESWARAR TEMPLE,
KARUR, REP.BY ITS EXECUTIVE OFFICER,
ARULMIGU SRI KALYANA PASUPATHEESWARA
SWAMY DEVASTHAM, KARUR.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Injunction restraining respondents 1 and 2 from evicting the petitioner and his family members from D.No.34, Old.D.No.13 & 13A, admeasuring 1268 sq.ft comprised in T.S.No.1702, ward.No.27, Birammatheertham Road, Karur Town, Karur Taluk, Karur District pending disposal of this writ petition.

Prayer in WP(MD). 16152/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 and 2 not to evict the petitioner and his family members without following the due process of law from D.No.34, Old.D.No.13 & 13A, admeasuring 1268 sq.ft comprised in T.S.No.1702, ward.No.27, Birammatheertham Road, Karur Town, Karur Taluk, Karur District.

<https://hcservices.ecourts.gov.in/hcservices/>
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.I.VELPRADEEP, Advocate for the petitioner and of



MR.SENTHIL KUMARAI AH, Advocate for R1, and MR.M.JEYAKUMAR, Additional Government Pleader for R2, the court made the following order:-

(Order of the Court was made by **HULUVADI G.RAMESH,J.**)

Heard Mr.I.Velpradeep, the learned counsel appearing for the petitioner, Mr.SentHil Kumaraih, learned counsel appearing for the first respondent and Mr.M.Jeya Kumar, learned Additional Government Pleader appearing for the second respondent.

2.This miscellaneous petition is filed seeking an order of interim injunction restraining the respondents 1 and 2 from evicting the petitioner and his family members from D.No.34, Old D.No.13 & 13 A, in T.S.No.1702, Ward No.27, Birammatheertham Road, Karur Town, Karur Taluk, Karur District. The writ petition is filed for issuance of writ of mandamus, directing the respondents 1 & 2 not to evict the petitioner and his family members, without following the due process of law from the above mentioned property.

3.According to the learned counsel appearing for the petitioner, if there is an encroachment made by the petitioner, the respondents should have issued a notice and the encroached area should be segregated only by way of conducting a survey. Now, the property is with the hands of the petitioner. Thus, there are certain procedures to be followed by the Government for segregating the encroached area. Till that process is over, he seeks an interim order from this Court.

4.Considering the above facts and circumstances of the case, till the procedures are over in fixing the encroached area, there shall be an order of status-quo.

5.Accordingly, this miscellaneous petition is disposed of.

sd/-

24/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE COMMISSIONER, KARUR CITY, KARUR.
- 2 THE THASILDAR, KARUR TALUK, KARUR DISTRICT.
- 3 THE EXECUTIVE OFFICER,
IDOL ARULMIGU VANJULEESWARAR TEMPLE, KARUR
ARULMIGU SRI KALYANA PASUPATHEESWARA SWAMY DEVASTHAM, KARUR.



+1. C.C. to MR.I.VELPRADEEP Advocate SR.No.74978

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TK/MMS/SAR-2/21.08.2018 : 3P/5C

ORDER IN
WMP(MD) No.14389 of 2018 IN
WP(MD) No.16152 of 2018
Date :24/07/2018