



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

WEB COPY

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

Writ Petition (MD).No.21856 of 2017
and
W.M.P. (MD)No.18152 of 2017

Sri Renugakengammal Temple,
Represented by its
Trustee C.Rengasamy,
S/o. Chitha Naickker,
Ayyampatti,
R.Vellodu Village Panchayat,
Kuzilamparai Village Panchayat Union,
Dindigul District.

... Petitioner

Vs.

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Vedasanthur Taluk Office,
Dindigul District.
4. The Block Development Officer (Village Panchayat)/
Special Officer for R.Vellodu Village,
Kuzliamparai Union,
Kuzliamparai Post,
Vedasandur Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in his notice dated 20.11.2017 and quash the same and consequently direct the respondents 1 to 3 to issue patta to Sri Renuga Kengammal Temple in Ayyampatti, R.Vellodu Village Panchayat, Vedachandur Taluk, Dindigul District.



For Petitioner : Mr.M.Saravanakumar
For Respondents 1 to 3 : Mr.D.Muruganantham
Government Advocate
For Respondent No.4 : Mr.M.Govindan

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ORDER**(Order of the Court was made by T.S.SIVAGNANAM, J)**

Heard Mr.M.Saravanakumar, learned counsel appearing for the petitioner, Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.M.Govindan, learned counsel appearing for the fourth respondent.

2.We find the case on hand to be a classical case where the petitioner and the fourth respondent have misused the orders passed by this Court in writ petition filed by the petitioner. Earlier, four writ petitions were filed pertaining to the same property. The first writ petition was styled as a Public Interest Litigation in W.P.(MD)No.3599 of 2014, which was dismissed by the Division Bench on the ground that the encroachers were not made as party respondents in the writ petition. Once again a public interest litigation was filed in W.P.(MD)No.9686 of 2014 to direct the official respondents to remove the encroachers which includes the petitioner. The petitioner was impleaded as ninth respondent in the writ petition. The Division Bench, by order dated 31.08.2015, directed action to be initiated for removal of encroachment by following appropriate procedure. After the writ petition was disposed of, the President of the Village Panchayat issued notice dated 23.10.2015, which could not have issued by him; in the light of the direction issued in W.P.(MD)No.9686 of 2014 dated 31.08.2015. The petitioner challenged the said notice by filing W.P.(MD)No.20637 of 2015, the writ petition was allowed on the ground that notice is an eviction notice which has been passed without issuing show cause notice. Once again, the petitioner filed another writ petition in W.P.(MD)No.20146 of 2015, challenging the notice dated 23.10.2015. That writ petition was also allowed on the ground that there is violation of principles of natural justice and the matter was remanded to the Village Panchayat. Now the fourth respondent has issued the impugned notice calling upon the petitioner to remove the encroachment.

3.The learned counsel for the petitioner placed heavy reliance on house site patta dated 28.03.1993. We find the patta has been granted in the name of one Palraj and there is no mention of temple in the said patta. The authorities have found that there is an encroachment into Government land. Therefore, the petitioner cannot raise the present plea, which in our considered view, is a frivolous plea. The petitioner has to necessarily remove the encroachment since the action initiated by the authorities clearly shows that every attempt is made by the petitioner to squat on Government property.



4. For the above reasons, we are not inclined to interfere with the impugned notice issued by the fourth respondent. The writ petition fails and is dismissed. The petitioner is granted 30 days from the date of receipt of copy of this order, to remove the encroachment as indicated by the authorities, failing which, the third respondent is directed to remove the encroachment departmentally and recover the cost from the petitioner. No Costs. Consequently, W.M.P. (MD) No. 18152 of 2017 is also closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Vedasanthur Taluk Office,
Dindigul District.
4. The Block Development Officer (Village Panchayat) /
Special Officer for R.Vellodu Village,
Kuzliamparai Union,
Kuzliamparai Post,
Vedasandur Taluk,
Dindigul District.

- + 1 CC TO Mr.M.SARAVANA KUMAR, ADVOCATE IN SR No. 54358
- + 1 CC TO Mr.M.GOVINDAN, ADVOCATE IN SR No. 54734
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54527

MRN

TE/SKN-RSK/SAR-1 : 26/03/2018 : 3P/8C

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