

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No. 30485 of 2005
and
WP.MP.No.33371 of 2005

Shrine Basilica of our
Lady of Health
rep.by its Rector
Vallankanni
Nagapattinam District ... Petitioner

Vs

1.The Special Commissioner
and Commissioner of Land Administration
Chepauk, Chennai-5.

2.The District Collector,
Nagapattinam District,
Collectorate Complex,
Nagapattinam

3.The District Forest Officer,
Nagapattinam District,
Collectorate Complex,
Nagapattinam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to implement the order of the 3rd respondent herein in Na.Ka.No.53/83 dated 14.09.87 and consequentially for bearing the 2nd respondent from granting any permission to third parties for any construction in the land allotted to the petitioner.

For Petitioners : Mr. R.Sureshkumar
for M/s La Law.

For Respondents 1 & 2: Mrs.K.Bhuvaneswari, AGP.

For Respondent 3 :Mr.S.V.Vijay Prasanth,AGP (Forest)

O R D E R

When the third respondent herein had passed an order dated 14.09.1987, excluding a portion of the road approaching the burial ground in Survey No.100, which is opposite to the petitioner's temple, the petitioner has filed this writ petition for implementation of the said order.

2.Today, when the matter was called, the learned Additional Government Pleader, has filed a status report of the third respondent stating that the encroachments in survey No.100/2, which is classified as Kadalkarai Porampokku, is under the administrative control of the Revenue Department and the revenue officials are taking steps to clear the encroachments. As per the status report, the said land was exempted for exclusive use of the public and not for the exclusive use for the administration of the Vellangani Temple. Hence, it is seen that the exclusion was made only to facilitate the general public and not for the exclusive use of the temple.

3.It is also seen that the order of the 3rd respondent was made wayback in the year 1987 and after such a lapse of time, it would not be appropriate to direct the second respondent to comply with the order of the third respondent. Nevertheless, if the petitioner is still aggrieved, it is open to them to make an appropriate application before the concerned authorities addressing their grievances. It is made clear that this Court has not expressed any of its view with regard to the petitioner's right over the subject properties and the concerned authorities are at liberty to consider such an application on its own merits and pass appropriate orders, as expeditiously as possible.

4.With the above observations and directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

jrs

To

1.The Special Commissioner
and Commissioner of Land Administration
Chepauk, Chennai-5.

2.The District Collector,
Nagapattinam District,
Collectorate Complex,
Nagapattinam

3.The District Forest Officer,
Nagapattinam District,
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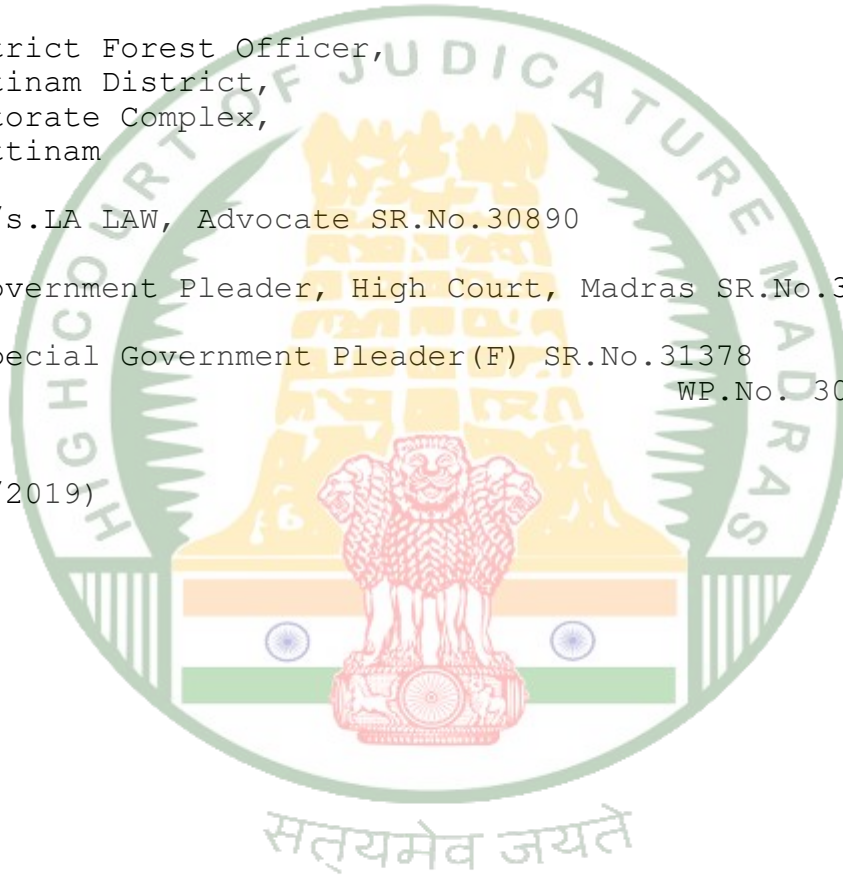
+1cc to M/s.LA LAW, Advocate SR.No.30890

+1cc to Government Pleader, High Court, Madras SR.No.32025

+1cc to Special Government Pleader(F) SR.No.31378

WP.No. 30485 of 2005

MP (CO)
GMY (07/05/2019)



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