

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

W.P.No.31060 of 2019

D.Mohaneeshwari

.. Petitioner

Vs.

1.The Secretary to Government
Rural Development
Fort St.George
Chennai - 600 009.

2.The Commissioner
Hindu Religious and Charitable
Endowments Department
Mahatma Gandhi Salai, Nungambakkam
Chennai - 600 034.

3.The District Collector
Dharmapuri District.

4.The District Forest Officer
Dharmapuri District.

5.The Tahsildar
Harur Taluk
Dharmapuri District.

6.The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Dharmapuri District,
Dharmapuri.

7.The Director
Geology Department
Mines and Minerals
Guindy, Chennai - 600 032.

8.The Assistant Director
Geology Department
Mines and Minerals
Dharmapuri District
Dharmapuri.

9.The Executive Officer / Thakkar
Arulmighu Theerthagireeshwarar Temple
Theerthamalai
Dharmapuri District - 636 906.

10.The Executive Officer
Theerthamalai Panchayat
Dharmapuri District. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to lay road over the Theerthamalai, Harur Taluk, upto A/m.Theerthagirishwarar Temple, Theerthamalai, Harur Taluk, Dharmapuri District, to enable the vehicles to reach the temple in order to help the differently-abled and senior citizen to reach the temple or provide any other mode of transport to help the differently-abled and senior citizen to reach the temple, based on petitioner's representation dated 21.8.2019.

For Petitioner :Mr. M.Selvam
For Respondents :Mr.V.Jayaprakash Narayan,
Special Government Pleader
for R1, R3, R5, R7, R8 & R10
Mr.M.Maharaja
Special Government Pleader [HR&CE]
for R2 & R6
Mr.S.V.Vijay Prashanth
Additional Government Pleader [Forest]
for R4

ORDER

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

The petitioner claims to be the devotee of Arulmighu Theerthagireeshwarar Temple, Theerthamalai, Dharmapuri District and according to her, the said temple came into existence about 1300 years ago. The petitioner would state that she being a handicapped, she is unable to climb the foot steps and reach the temple for the purpose of worship and in this regard, she submitted her representation dated 21.8.2019, to the third

respondent, requesting to lay motorable road, so as to enable her to reach the temple and worship the Presiding Deity.

2. Heard the submissions of the learned counsel appearing for the petitioner and V.Jayaprakash Narayanan, learned Special Government Pleader for respondents-State, Mr.M.Maharaja, learned Special Government Pleader [HR&CE] for the respondents 2 and 6 and Mr.S.V.Vijay Prashanth, learned Additional Government Pleader [Forest] for the fourth respondent.

3. The learned Additional Government Pleader (Forest) appearing for the fourth respondent would submit that it is not clear that whether the areas around the temple are declared as Reserved Forests and even otherwise, it would be extremely difficult to concede to the prayer of the petitioner for the reason that it requires surveying of the area, which involves considerable expenses and also requires clearances from the Forest Statutory Authorities.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. Though the petitioner prays for a larger relief and this Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in the representation or in the affidavit filed in support of this petition, directs the respondents 2 and 4 to consider the representation submitted by the writ petitioner in accordance with law and pass appropriate orders, within a period of 12 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To:

1.The Secretary to Government
Rural Development
Fort St.George, Chennai - 600 009.

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Theerthamalai, Dharmapuri District - 636 906.
- 10.The Executive Officer
Theerthamalai Panchayat
Dharmapuri District.

+1 cc to M/s.M.Selvam, Advocate Sr.No. 92045
+1 cc to The Special Government Pleader(HR&CE), Sr.No.92152
+1 cc to The Government Pleader Sr.No. 91799
+1 cc to The Special Government Pleader(Forest)Sr.No. 91680

AKM/16.12.19/4P-15C /

W.P.No.31060 of 2019