

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.30239 of 2018

M.Ramakrishnan

... Petitioner

Vs.

- 1.The Principal Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 008.
- 2.The District Collector,
Tirupur District,
Palladam Road, Thirupur.
- 3.The Land Acquisition Officer,
The District Revenue Officer,
District Collector Office,
Palladam Road,
Thirupur - 641 604.
- 4.The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Near Easwaran Koil,
Thirupur - 641 604.
- 5.The Executive Officer,
Viswaswaraswamy Temple,
Thirupur Taluk, Thirupur District.
- 6.Jayaprakash
- 7.Ramani
- 8.Jayakumar
- 9.Thirunavukarasu
- 10.Sivakumar
- 11.Gopal
- 12.Magesh
- 13.Marimuthu
- 14.Muthukumar
- 15.Rajeswari
- 16.Kalarani
- 17.Veerakumar

WEB COPY

18.M.A.Matheen
19.M.Y.Abasari
20.Gobalakrishnan
21.Kamalaveni
22.Nandhini
23.Dhanalakshmi
24.Ganesan
25.Latha
26.Saibath Issak

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 2 & 3 to consider the petitioner's representation dated 10.10.2018 before disbursing the amount to encroachers within time frame.

For Petitioner : Mr.K.Sudhakar

For Respondents: Mr.S.N.Parthasarathy,
Government Advocate (R1 to R3)

Mr.M.Maharaja,
Special Government Pleader (HR & CE - R4 &
R5)

Mr.K.Vignesh Karthik (R6)

Mr.R.Bharath Kumar (R7, R9 to R17, R25)

Mrs.D.Aruna (R18, R20, R21, R23, R24)

Mr.N.Manokaran (R22)

R19, R26 - No appearance

R8 - not ready in notice

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus to direct the respondents 2 & 3 to consider the petitioner's representation dated 10.10.2018 before disbursing the amount to the encroachers within a stipulated time.

2.It is the case of the petitioner that the respondents had planned to construct a Over-bridge at Pollachi to Kochi and acquired lands by invoking Tamil Nadu Highways Act, 2001, measuring an extent of 333.4 sq.mt. for the said purpose. The said lands situate at S.F.Nos.209/1, 209/2, 209/3, 209/4 and 209/5. Further, according to the petitioner, the said lands belong to Sri Visweswaraswamy Temple and the same was classified as Devadaya lands.

3.However, the 3rd respondent filed a counter wherein he has stated that the lands do not belong to Visweswaraswamy Temple as per Re-survey Register of 1912 and the lands in S.F.No.209/1 measuring 8.43 acre is an Inam Land and the lands in S.F.Nos.209/2, 209/3, 209/4 and 209/5 are vested with the Government and the same are classified as Government Poramboke land.

4.Mr.M.Maharaja, learned Special Government Pleader (HR & CE) appearing for the respondents 4 & 5 also submitted that the lands in question do not belong to the Temple and the same vests with the Government.

5.In view of the categorical statement made by the 3rd respondent in his counter and the submission made by the learned Special Government Pleader appearing for the respondents 4 & 5, the contention raised by the petitioner in this Writ Petition cannot be accepted. The petitioner has filed the Writ Petition without ascertaining the facts. When the authorities themselves specifically state that the lands do not belong to the Temple and it vests with the Government, the Writ Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 008.

2.The District Collector,
Tirupur District,
Palladam Road, Thirupur.

3.The Land Acquisition Officer,
The District Revenue Officer,
District Collector Office,
Palladam Road,
Thirupur - 641 604.

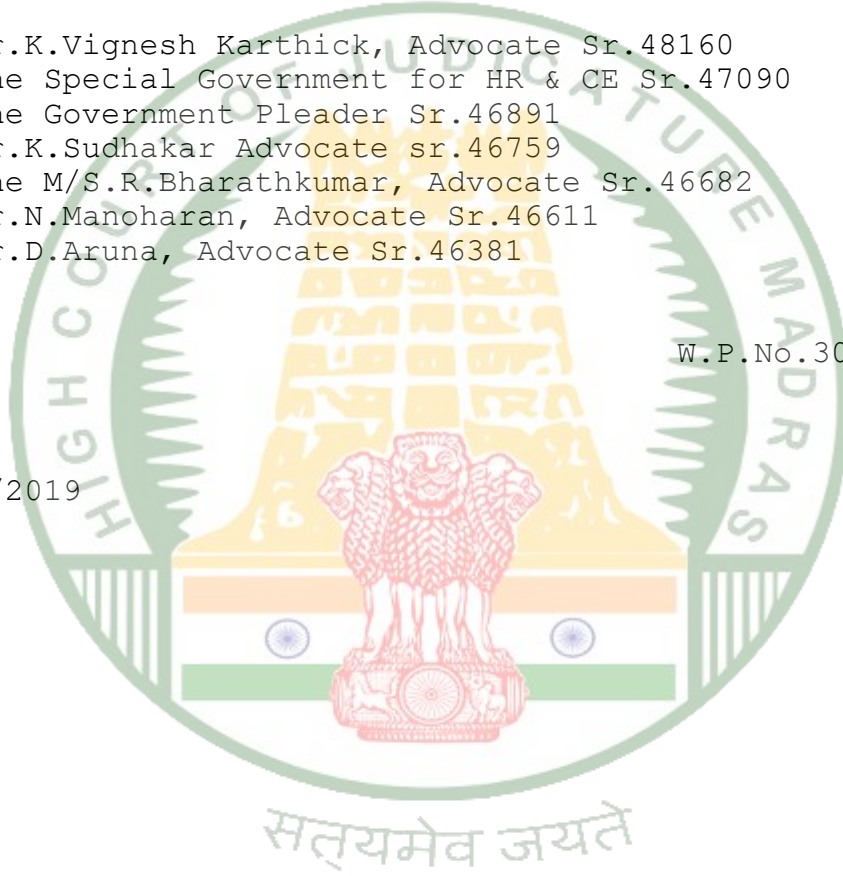
4.The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Near Easwaran Koil,
Thirupur - 641 604.

5.The Executive Officer,
Viswaswaraswamy Temple,
Thirupur Taluk, Thirupur District.

+1cc to Mr.K.Vignesh Karthick, Advocate Sr.48160
+1cc to the Special Government for HR & CE Sr.47090
+1cc to the Government Pleader Sr.46891
+1cc to Mr.K.Sudhakar Advocate sr.46759
+1cc to the M/S.R.Bharathkumar, Advocate Sr.46682
+1cc to Mr.N.Manoharan, Advocate Sr.46611
+1cc to Mr.D.Aruna, Advocate Sr.46381

W.P.No.30239 of 2018

ksv[co]
srg 11/07/2019



WEB COPY