

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated: 27.06.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU**and****THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY****W.P. (MD) No.5911 of 2019**

K.Ramesh

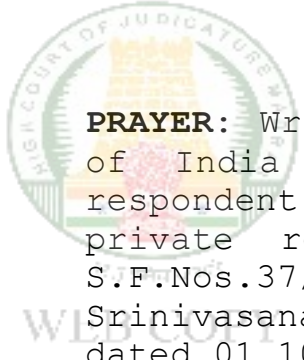
... Petitioner

vs.

The State rep. by

- 1) The District Collector,
Thanjavur District,
Thanjavur.
- 2) The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
- 3) The Thasildar,
Kumbakonam,
Thanjavur District.
- 4) The Assistant Commissioner,
Hindu Religious and Charitable
Endorsement Department (HR & CE),
Aayekulam Road,
Thanjavur District.
- 5) Arulmigu Uma Maheswarar Temple,
Rep. by its Executive Officer,
Srinivasanallur,
Kumbakonam Taluk,
Thanjavur District.
- 6) Arivarasu
- 7) Malathi
- 8) Chandrasekar

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.2 and 3 to evict the encroachment made by the private respondent Nos.6 to 8 in the channel situated in S.F.Nos.37/1 and 37/2 in Thanjavur District, Kumbakonam Taluk, Srinivasanallur village by considering petitioner's representation dated 01.10.2018.

For Petitioner	: Mr.S.Karthick Subramanian
For RR 1 to 4	: Mr.M.Karuppasamy, Government Advocate
For R5	: Mr.V.Chandrasekar
For RR 6 to 8	: Mr.N.R.Balaji

O R D E R

(Order of this Court was made by **K.RAVICHANDRABAABU, J.**)

This writ petition is filed seeking for a Mandamus directing the respondents 2 & 3 to evict the encroachment made by the private respondents 6 to 8 in the channel situated at S.F.Nos.37/1 & 37/2 in Thanjavur District, Kumbakonam Taluk, Srinivasanallur village by considering the petitioner's representation, dated 01.10.2018.

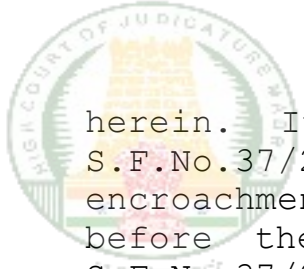
2. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the official respondents 1 to 4, learned counsel appearing for the fifth respondent and the learned counsel appearing for the respondents 6 to 8.

3. The grievance of the petitioner is that the private respondents 6 to 8 have encroached upon the Government poramboke land. Therefore, he seeks action against those respondents to evict them from the subject matter property.

4. The third respondent/Tashildhar filed a counter affidavit dated 22.06.2019 stating that the encroachers filed a Civil suit in O.S.No.270 of 2018 and obtained an interim injunction and action is being taken to vacate the interim injunction and then to evict the encroachments made by the encroachers, namely, the respondents 6 to 8 herein.

5. Upon hearing both sides, it is seen that a civil suit in O.S.No.270 of 2018 is pending before the Principal District Munsif Court, Kumbakonam, wherein, an interim order of injunction is also granted in favour of the plaintiffs, namely the respondents 6 to 8

<https://hcservices.ecourts.gov.in/hcservices/>



herein. It is seen that the suit property therein is in S.F.No.37/2. The petitioner herein seeks for removal of encroachments at S.F.Nos.37/1 & 37/2. As the suit is pending before the Civil Court only in respect of the property in S.F.No.37/2 and as it is stated by the official respondents that they are taking steps to evict the encroachers therein, we are of the view that since the Temple is already a party in the said suit, it is for them to work out their remedy before the Civil Court, as it is contended that the property at S.F.No.37/2 belongs to the Temple. Insofar as S.F.No.37/1 is concerned, it is stated that it is road poramboke and therefore, if there is any encroachment made in the said property, the revenue officials, namely, the respondents 1 to 3 shall take appropriate action to remove the encroachments made at S.F.No.37/1 by issuing proceedings under the Tamil Nadu Land Encroachment Act, 1905. The said action shall be taken by the official respondents 1 to 3 within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1) The District Collector,
Thanjavur District, Thanjavur.
- 2) The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
- 3) The Thasildar, Kumbakonam, Thanjavur District.
- 4) The Assistant Commissioner,
Hindu Religious and Charitable
Endorsement Department (HR & CE),
Aayekulam Road, Thanjavur District.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.72199

+1cc to M/S. V.CHANDRASEKAR, ADVOCATE, Sr.No.72191

+1cc to M/S.S.KARTHICK , ADVOCATE, Sr.No.72442

Order made in

W.P. (MD) No.5911 of 2019

Dated:

27.06.2019.