



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P(MD)NO.8760 OF 2019

C.Ganesan : Petitioner

.vs.

1.The Tahsildar,
Thirumangalam,
Madurai District.

2.The Inspector of Police,
Austinpatty Police Station,
Thirumangalam,
Madurai District.

3.Perumayee : Respondents

(R2-given up vide endorsement, dated
11.04.2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove the encroachment made by the third respondent in S.No.305/11, situated at Karadikal, Thirumangalam, Madurai District, by considering the Petitioner's representation, dated 1.4.2019 within the time stipulated by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondent-1 : Mr.Aayiram K.Selvakumar
Addl. Govt.Pleader

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

Heard Mr.J.Senthil Kumaraiah, learned counsel appearing for the Petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the first respondent and perused the materials placed before this Court.



2.Second Respondent is given up vide separate endorsement, dated 11.04.2019. Considering the prayer sought for in the Writ Petition, notice to the third respondent is dispensed with.

3.This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to remove the encroachment made by the third respondent in S.No.305/11, situated at Karadikal, Thirumangalam, Madurai District, by considering the Petitioner's representation, dated 1.4.2019 within the time stipulated by this Court.

4.The learned counsel for the Petitioner would state that the Petitioner is a permanent Trustee-cum-Poojari of Vadakku Vasal Selliamman Temple and the said temple is under the control of Hindu Religious Charitable and Endowment Department. The third respondent has encroached upon the landed property of the temple in S.No.305/11, situated at Karadikal, Thirumangalam, Madurai District. It is further stated that even after conducting a survey, the first respondent has not taken any action to evict the encroacher and hence the present Writ Petition.

5.The learned Additional Government Pleader appearing for the first respondent, on instructions, would submit that a survey was conducted in the presence of the Petitioner and third respondent and the report shows that there is an encroachment made by the third respondent in S.No.305/11,Karadikal, Thirumangalam, Madurai District and the first respondent is ready to take action to remove the said encroachment.

6.In the light of the submissions of the learned counsels appearing on either side and also considering the facts of the case, the first respondent is directed to consider the representation of the Petitioner, dated 1.4.2019 and to take appropriate action purely on merits and in accordance with law, after affording opportunity to all the necessary parties concerned, within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

vsn



To

1.The Tahsildar,
Thirumangalam,
Madurai District.

2.The Inspector of Police,
Austinpatty Police Station,
Thirumangalam,
Madurai District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.61010

ORDER MADE IN
W.P(MD)NO.8760 of 2019
11.04.2019

TR (27.04.2019) 3P 4C