



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.11499 of 2018

and

W.M.P. (MD) No.10477 of 2018

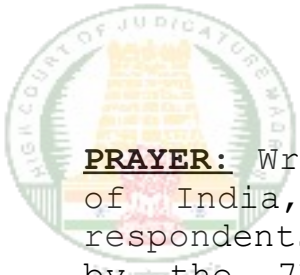
Suresh

... Petitioner

Vs.

- 1) The Chief Conservator of Forests,
Tamil Nadu Forest Department,
No.1, Jennies Road,
Panangal Maligai,
Saidapet, Chennai 600 015
- 2) The District Collector,
Madurai District.
- 3) The District Forest Officer,
Race Course Road,
Pandian Hotel Behind, Madurai 625 002
- 4) The District Forest Officer,
Forest Department,
Velu Nachiyar Valagam,
Dindigul District.
- 5) The Block Development Officer,
Melur, Madurai District.
- 6) The Tahsildar,
Melur Taluk, Madurai District.
- 7) The Deputy Commissioner/
Executive Officer,
Hindu Religious and Charitable
Endowments Department,
Arulmigu Kallalagar Thirukovil,
Alagarkovil, Melur Taluk,
Madurai District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment and obstruction made by the 7th respondent in the public pathway known as "Old Palamuthirsolai Road" connected with Survey Nos.85/1, 86, 96, 96/1, 104 and 106 in Valayapatti Village, Melur Taluk, Madurai District.

For Petitioner : Mr.M.Thirunavukkarasu

For RR 1 to 6 : Mr.A.K.Baskarapandian,
Special Government Pleader

For R7 : Mr.S.Manohar

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Petition filed as a Public Interest Litigation seeks for a direction upon the official respondents to remove the encroachments made by the seventh respondent Temple by putting up of a compound wall which has been recently erected.

2. At the time when the writ petition was entertained, an order was passed on 30.05.2018, by appointing an Advocate Commissioner to note down the physical features of the property and file a report. The learned Advocate Commissioner has inspected the property and has submitted a very detailed report and from the report, we find that several officials, including the Temple officials, the Zonal Deputy Tahsildar, Village Administrative Officer, Taluk Surveyor, Forest Range Officer, Forester etc. were present during the inspection.

3. In the light of the report given by the learned Advocate Commissioner and the details which were gathered by the Surveyor and other officials of the Revenue Department, if there is any encroachment in the lands, which according to the petitioner is classified as forest land/ forest road, necessarily the encroachments have to be removed.

4. Mr.S.Manohar, learned counsel appearing for the seventh respondent submitted that the present writ petition has been filed by Thiru.Suresh, after filing of an earlier writ petition by another person viz. A.Kavitha which did not yield any results. Therefore, it is the submission of the learned counsel for the seventh respondent that the writ petitioner has been set up by the



said Kavitha. Further, it is submitted that the land owned by the Temple measures a total extent of 92.78 acres and the construction which has been put up is within the Temple property. All these issues have to be considered by the Tahsildar, Melur while taking action and ascertain as to whether there is any encroachment and necessary steps shall be taken.

5. Considering these facts and the report of the learned Advocate Commissioner, we direct the Tahsildar, Melur Taluk to take further action in this regard by duly intimating the Temple Authorities and the Temple Authorities shall also extend their full cooperation, as they are under the control of the H.R & C.E Department and they should also ensure that no government property, much less forest land, should be encroached and should be protected. The Tahsildar, Melur taluk is directed to do the needful in the matter expeditiously, preferably within a period of three(03) months from the date of receipt of a copy of this order.

6. The learned Advocate Commissioner has done an elaborate exercise and has also filed all the relevant documents and sketch etc. Considering the work done by the learned Advocate Commissioner, we direct the petitioner to pay a further remuneration of Rs.10,000/-(Rupees Ten Thousand only) to the learned Advocate Commissioner on or before 21.10.2019.

7. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.10477 of 2018 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1) The Chief Conservator of Forests,
Tamil Nadu Forest Department,
No.1, Jennies Road,
Panangal Maligai,
Saidapet, Chennai 600 015



- 2) The District Collector,
Madurai District.
- 3) The District Forest Officer,
Race Course Road,
Pandian Hotel Behind,
Madurai 625 002
- 4) The District Forest Officer,
Forest Department,
Velu Nachiyar Valagam,
Dindigul District.
- 5) The Block Development Officer,
Melur, Madurai District.
- 6) The Tahsildar,
Melur Taluk, Madurai District.
- 7) The Deputy Commissioner/
Executive Officer,
Hindu Religious and Charitable
Endowments Department,
Arulmigu Kallalagar Thirukovil,
Alagarkovil, Melur Taluk,
Madurai District.

Copy to:

Mr.V.P.Chamuraj, Advocate Commissioner,
No.34A, Sambakulam, Main Road,
K.Pudur, Madurai-7.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-90589[F] dated
01/10/2019)

+1 CC to M/s.S. MANOHAR, Advocate (SR-90849[F] dated 01/10/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-90862[F] dated
01/10/2019)

Order made in
W.P. (MD) No.11499 of 2018
Dated: 30.09.2019

STS

AE/ (16.10.2019) 4P 12C

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