



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22653 of 2019

S.Kanagasabai

... Petitioner

vs.

The Joint Commissioner/Executive Officer,
Arulmugu Meenakshi Sundaraeswarar Temple,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondent to pass suitable orders permitting the petitioner to carry out repair works in the property comprised in old No.346 and new No.146, Usilai Road, Thirumangalam, Madurai District, on the basis of the petitioner's representations dated 20.12.2006, 9.11.2007, 04.8.2008, 02.5.2019, 06.06.2019 and to pass such other further order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.G.Shangar Ganesh

For Respondent : Mr.V.R.Shanmuganathan

Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a direction, directing the respondent to pass suitable orders permitting the petitioner to carry out repair works in the property comprised in old No.346 and new No.146, Usilai Road, Thirumangalam, Madurai District, on the basis of the petitioner's representations dated 20.12.2006, 9.11.2007, 04.8.2008, 02.5.2019 and 06.06.2019.

2.The petitioner has occupied a building owned by the respondent temple. He made a representation on 02.05.2019 to the respondent to carry out the repairs and convert the tiled house building into a concrete building. During the pendency of the representation, he has approached this Court for permission to carry out the repairs on his own.

3.On instructions, the learned Special Government Pleader would submit that they have already initiated eviction proceedings against the original allottee and the petitioner is an encroacher. He has no right to maintain the writ petition. Even assuming that the building is in dilapidated condition, he should approach the concerned Executive Officer to repair the same. He would further



submit that the respondent will carry out the repairs, if the building is in dilapidated condition, after obtaining a report from a qualified engineer.

4.Considering the above submissions, a direction is issued to the respondent to initiate the proceedings to ascertain the stability of the building and to take suitable action within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

vs

To

The Joint Commissioner/Executive Officer,
Arulmugu Meenakshi Sundaraeswarar Temple,
Madurai.

+1 CC to Mr.R.G.SHANKAR GANESH, Advocate (SR-94756[F] dated
25/10/2019)

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24.10.2019

VB(18.11.2019) 2P 3C