



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P(MD)Nos.23632 and 23636 of 2019
and
W.M.P(MD)Nos.20243 and 20244 of 2019**

K.Veeranan

... Petitioner in both petitions

Vs.

1.The District Collector,
Madurai District,
Collectorate Campus,
Madurai-625 020.

2.The District Revenue Officer,
Madurai District,
Collectorate Campus,
Madurai-625 020.

3.The Commissioner,
Madurai Corporation,
Anna Maligai,
Tallakulam,
Madurai-625 002.

... Respondents in both petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the revenue records of the third respondent in the impugned notice in Ma.sa7/07647/19, dated 09.10.2019 with regard to 560 and 198 sq.ft and to quash the same pertaining to 'Grama Natham Land' in Old R.S.No.8/1 (Part) in new Town Survey in T.S.No.219 of Managiri Village I Bit, Madurai North Taluk and directing the first and second respondents to conduct a detailed enquiry with regard to the mistaken entry in survey records based on the representations of the petitioner, dated 10.12.2018 and 04.02.2019.



For Petitioner : Mr.S.Chandrasekaran
For R1 and R2 : Mr.A.K.Baskara Pandian
Special Government Pleader
For R3 : Mr.R.Murali
Standing counsel

COMMON ORDER

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

Heard Mr.S.Chandrasekaran, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the first and second respondents and Mr.R.Murali, learned counsel for the third respondent. By consent on either side, these writ petitions are taken up for final disposal.

2. These writ petition have been filed challenging the notice issued by the respondent Corporation, dated 09.10.2019.

3. The grievance of the petitioner is that there is a temple from time immemorial and religious offers are made by the people in the locality and to facilitate the devotees, temporary structure was put up near the temple in the form of two sheds, which has led to issuance of the impugned notice.

4. The learned Standing counsel for the respondent Corporation submitted that sheds cannot be erected in the land, which has been classified as Oorani. Further, there is no interference by the Corporation to the stone structure, which is being worshiped by the people.

5. Considering the submission on either side, we direct the respondent Corporation not to interfere with the stone structures and other areas, which is being used for the purpose of worship. However, the petitioner shall dismantle the temporary shops put up in that area and clear all the encroachment within a period of ten days from the date of receipt of a copy of this order, failing which, the respondent Corporation shall remove the same departmentally. As and when the festival is to be conducted, where large number of people will gather, then the parties shall approach the concerned Zonal Officer of the Corporation seeking permission to put up temporary construction to facilitate the devotees. Only upon permission being granted subject to conditions, the shed shall be put up during festival season alone.

6. With the above direction, these writ petitions are



disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

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// True Copy //

Sub Assistant Registrar (CS)

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To

1.The District Collector,
Madurai District,
Collectorate Campus,
Madurai-625 020.

2.The District Revenue Officer,
Madurai District,
Collectorate Campus,
Madurai-625 020.

+1 CC to M/s.S.CHANDRASEKARAN, Advocate (SR-97101[F] dated 08/11/2019)

+1 CC to M/s.R.MURALI, Advocate (SR-97120[F] dated 08/11/2019)

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JMN(21.11.2019) 3P : 5C