



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.09.2019
CORAM:

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

W.P. (MD) No.21309 of 2018

1.Muthaliappan
2.Subbaiah
3.Aathiappan

... Petitioners

-vs-

1.The District Collector,
The District Collector Office,
Pudukkottai District.

2.The District Revenue Officer,
The DRO Office,
Pudukkottai District.

3.The Tahsilthar,
Thirumayam Taluk Office,
Thirumayam Taluk,
Pudukkottai District.

4.The Commissioner,
Arimalam Panjayathu Union Office,
Arimalam & Post,
Thirumayam Taluk,
Pudukkottai District.

5.Sivakumar
6.Saravanan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment of the public well and Tank (Urani) made by the 5th and 6th Respondents and his men in S.F.No.86 Tank (Water Body) in Thanjur Harijan Colony, Samuthiram Village No.110, Thirumayam Taluk, Pudukkottai District within a stipulated time as may be fixed by this Hon'ble Court by considering the representation dated 31.08.2018.

For Petitioners : Mr.R.Paranjothi
For Respondents 1 to 4 : Mr.A.Muthukaruppan
Additional Government Pleader
For Respondents 5 and 6 : Mr.S.T.Sasidharan Tamil Kani



O R D E R

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

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Heard Mr.R.Paranjothi, learned counsel appearing for the petitioners, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.S.T.Sasidharan Tamilkani, learned counsel appearing for the respondents 5 and 6.

2.By consent on either side, the Writ Petition itself is taken up for final disposal.

3.The petitioners have filed this Writ Petition seeking for a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment of the public well and Tank (Urani) made by the Respondents 5 and 6 and their men in S.F.No.86 Tank (Water Body) in Thanjur Harijan Colony, Samuthiram Village No.110, Thirumayam Taluk, Pudukkottai District.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 has filed a typed set of papers showing the relevant Adangal, FMB Sketch and photos. It is represented that the well was totally destroyed and unauthorizedly a temple has been constructed.

5.If the public well has been destroyed, immediately criminal action has to be initiated against the concerned persons for destroying public property and for causing nuisance etc. Such action shall be initiated within two weeks from the date of receipt of a copy of this order.

5.Further, a temple has been constructed unauthorizedly. It is not known as to who has put up the construction. Be it a place of religious worship or any other matter, an encroachment is an encroachment and there can be no different yardstick adopted. Considering the type of encroachment, the third respondent Tahsildar, Thirumayam Taluk, Pudukkottai District is directed to permit those concerned to remove the Deity inside the Temple within three days from the date of receipt of a copy of this order and relocate it to some private land owned by any of them. In the event, the persons who put up the construction are unwilling to remove the Deity, then the third respondent shall do so by taking the assistance of the relevant authorities. The Superintendent of Police, Pudukkottai District may issue suitable instructions to his subordinates at Thirumayam to provide necessary police protection for carrying out the above directions.



5.The Writ Petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (Crl.side)

WEB COPY

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
The District Collector Office,
Pudukkottai District.
- 2.The District Revenue Officer,
The DRO Office,
Pudukkottai District.
- 3.The Tahsilthar,
Thirumayam Taluk Office,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Commissioner,
Arimalam Panjayathu Union Office,
Arimalam & Post,
Thirumayam Taluk,
Pudukkottai District.

Copy to

The Superintend of Police,
Pudukkottai District,
Pudukkottai.

+1 CC to Mr.S.T.SASIDHARAN TAMILKANI, Advocate (SR-86446[F] dated 13/09/2019)
+1 CC to Spl.GP (SR-86553[F] dated 13/09/2019)
+1 CC to Mr.K.BAALASUNDHARAM, Advocate (SR-86615[F] dated 13/09/2019)

W.P. (MD) No.21309 of 2018
12.09.2019

sj

MK (27.09.2019) 3P 9C