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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.25079 of 2019

R.Revathi

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Trichy District.

2.The Tahsildar,
Marungapuri Taluk,
Trichy District.

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Combined Office,
Neeligirishwarar Thoppu,
Tiruvanai Kovil, Trichy District.

4.The Commissioner,
The Commissioner Office,
Subramaniyapuram,
Trichy District.

5.The Executive Engineer,
Tamilnadu Slum Clearance Board Office,
Madurai Road, Palakarai,
Trichy.

6.SKasthuri

7.Saravanan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to remove the encroachment and save the religious reforms of the temple which has been worshipped for more than 100 years which is located in the Survey No.200 in the Northern pond side of Ammasamuthiram Village, Trichy District within the time fixed by this Court.

For Petitioner

: Mr.K.Selvam

For Respondents

: Mr.M.Murugan

Government Advocate (for R1 to R4)

Mr.P.Mahendran (for R5)



O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.K.Selvam, learned counsel for the petitioner, Mr.M.Murugan, learned Government Advocate for the respondents 1 to 4 and Mr.P.Mahenran, learned counsel for the fifth respondent.

2.The relief sought for by the petitioner is to direct the respondent to remove the encroachment and save the religious reforms of the temple, which has been worshipped for more than 100 years, which is located in the Survey No.200 in the Northern pond side of Ammasamuthiram Village, Trichy District.

3.The learned Government Advocate submits that as on date patta stands in the name of Kasthuri to an extent of 699 sq.f, in which house is being constructed. If according to the petitioner patta cannot be granted, the relief has to be sought before the different forum. Thus, the said Kasthoori, if she is constructing in the patta land, cannot be termed as a encroacher. Therefore, we cannot issue any direction as sought for by the petitioner. Hence, this Writ Petition is dismissed. It is open to the petitioner to pursue his claim if any before the appropriate forum. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

- 1.The District Collector,
District Collector Office,
Trichy District.
- 2.The Tahsildar,
Marungapuri Taluk,
Trichy District.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Combined Office,
Neeligirishwarar Thoppu,
Tiruvanai Kovil, Trichy District.



4.The Commissioner,
The Commissioner Office,
Subramaniyapuram,
Trichy District.

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+1 CC to SPL GP (SR-101962[F] dated 27/11/2019)

+1 CC to Mr.P. MAHENDRAN, Advocate (SR-101902[F] dated 27/11/2019)

+1 CC to Mr.K. SELVAM, Advocate (SR-102076[F] dated 28/11/2019)

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