

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.3285 of 2018

Pangilar Vagaiyara Muneeswarar
Temple Devotees Association
rep.by its Secretary
E.Sampath Petitioner

Vs

1. The District Collector
O/o.The District Collector
Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
O/o.Thiruvallur Revenue Division
J.N.Road, Thiruvallur,
Tiruvallur District
Pin 602 001.
3. The Tahsildar,
Uthukottai Taluk,
Uthukottai, Tiruvallur District,
Pin 602 026

4. Kasi Reddy

5. Elumalai

6. Subramani

7. Dashrathan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 11.05.2017 forwarded by Human Rights Commission

vide case No.4005/2017 HCP order dated 21.06.2017 and to remove the encroachment made by respondents 4 to 7 and restore the land measuring Survey No.152/1A, Lathichivakam village used for performing the rituals of petitioner community people.

For Petitioner : M/s.Adinarayana Rao
For Respondents: Mr.E.Balamurugan
Spl.Govt.Pleader R1 to R3
No appearance for R4 to R7

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the representation of the petitioner, dated 11.05.2017 forwarded by Human Rights Commission, vide case No.4005/2017 HCP order dated 21.06.2017 and to remove the encroachment made by respondents 4 to 7 and restore the land measuring Survey No.152/1A, Lathichivakam Village, used for performing the rituals of petitioner's community people.

2. It is the case of the petitioner that he is the Secretary of Arulmighu Pangilar Vagaiyara Muneeswarar Temple situated at S.No.152/1A, Lathivakkam Madhura, Perambur village, Uthukottai Taluk, Thiruvellore District and the same is worshipped by the petitioner's Community people, namely the Pangilar Vagaiyara. The land in which the Temple is situated is comprised in S.No.152/1A and the same is notified as grazing land and it belongs to the Government with total area measuring an extent of 5.5 acres. The Temple and its surrounding land measuring around 1 acre including pathway of 30 feet is used for ingress and egress, out of the said 5.5 acres, called as Munneswarar Koil Medu i.e, Lord Muneeswarar Temple Zone. While so, the respondents 4 to 7 have been illegally cultivating in the remaining land of 5.5 acres occasionally and have now slowly started encroaching into the Government lands used by the petitioner for performing rituals and have reduced the extent of the Temple's land to merely 2 cents, without a pathway to enter into the same. Due to the action of the respondents 4 to 7, the entire community is unable to perform their rituals and poojas. Respondents 4 to 7 have even blocked the way to visit the Temple. In this context, the petitioner and the village people gave a petition to the first respondent on 13.03.2017 requesting him to take appropriate action against the encroachers. Since no action was taken, again they gave a representation to the second

respondent on 27.04.2017. Even thereafter, no action was taken. Therefore, they gave a representation to the Chairman of the Human Rights Commission on 11.05.2017 and a direction was issued to the first respondent for appropriate action. Consequently, the first respondent gave a direction to the second and third respondents to enquire into the matter and send a report with regard to the same. Since no action was taken by the respondents 1 to 3, the petitioner has come forward with the present writ petition.

3. Considering the submission of the learned counsel for the petitioner, without going into the merits of the case, this Court directs the petitioner to give a copy of the representation dated 11.05.2017, within a period of one week from the date of receipt of a copy of this order to the first respondent. On receipt of the same, the first respondent is directed to consider the said representation of the petitioner and pass orders on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner and as well as to the respondents 4 to 7. If the authorities comes to the conclusion that there is encroachment, they shall proceed with the same and remove the encroachment. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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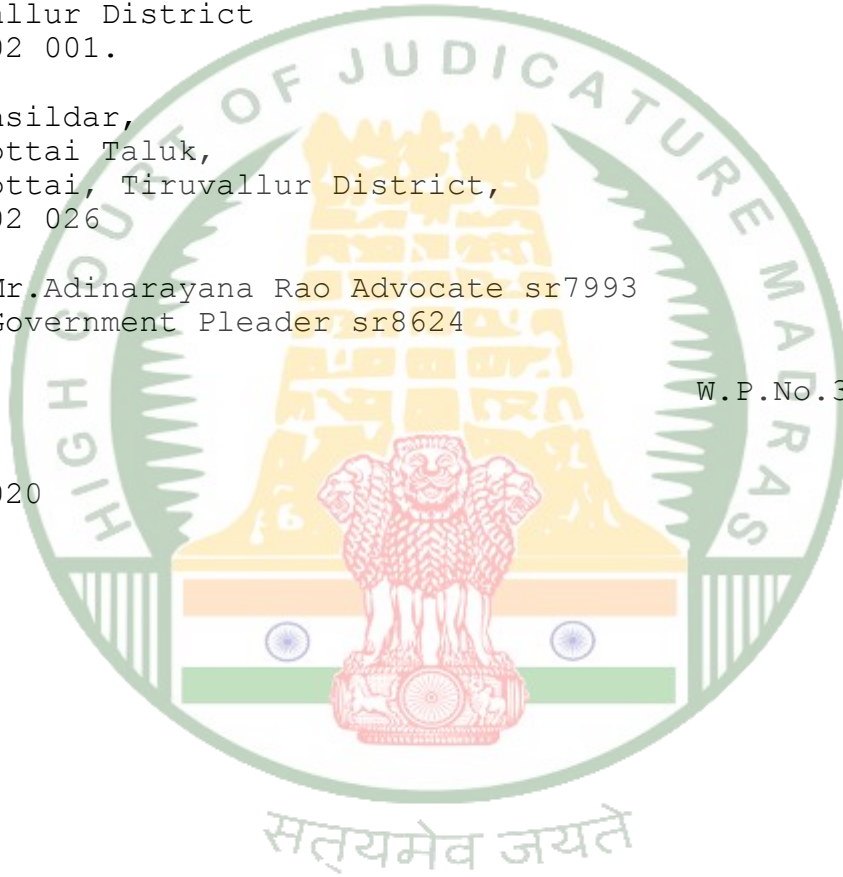
To

1. The District Collector
O/o.The District Collector
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2. The Revenue Divisional Officer,
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Uthukottai Taluk,
Uthukottai, Tiruvallur District,
Pin 602 026

+1 cc to Mr.Adinarayana Rao Advocate sr7993
+1 cc to Government Pleader sr8624

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aa09/03/2020



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