

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.8948 of 2020

and WMP. No.10880 of 2020

P.Saravanan

... Petitioner

Vs

- 1.The Distric Collector,
Dharmapuri District, Dharmapuri.
2. The Commissioner,
Hindu Religious and Charitable Endowment
Department, Nungampakkam High Road, Chennai.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Salem.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Dharmapuri.
- 5.The Inspector Takkar of Temple
Arulmighu Kasi Viswanathar Temple ,
Hindu Religious and Charitable Endowment
Department, Palacode, Dharmapuri.
6. P.Periyasamy
7. K.Natesan
8. M.Vadivel
9. M.Sekar
10. R.Madhappan
11. R.Muniyappan

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PRAYER: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, directing the 4th respondent to protect the 15 Feet Pathway in survey No. 13 and 199/1 in Pulikkal village, Palacode Taluk based on the petitioner's representation dated 01.06.2020 and 30.06.2020.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.Karthikeyan (for R1 to R5)

Special Government Pleader
(HR&CE)

O R D E R

Mr.Karthikeyan, learned Special Government Pleader accepts notice for the official respondents - R1 to R5. As far as the private respondents - R6 to R12 are concerned, I do not deem it necessary to issue notice at this juncture bearing in mind the nature of the order that is being passed in the succeeding paragraphs.

2. This Writ Petition is disposed finally even at the stage of admission by consent and in fact at request of learned counsel before me.

3. The petitioner states that he is a farmer and owns one acre of land in S.No.714, Pulikkal village, Palacode Taluk, Dharmapuri, which is adjacent to Arulmighu Kasi Viswanathar Temple, Pulikkal Village (in short 'Temple'). There is a pathway of 15 feet, admittedly belonging to the Temple which, according to the petitioner, is being used by him and the other villagers as a common pathway for access to their lands. The petitioner alleges that certain illegal claims are being put forth by R6 to R12 over the pathway and a representation has been filed by him on 30.06.2020 before R4 seeking protection of the pathway as against the illegal claim put forth by the private respondents. He also alleges that the private respondents are preventing him from using the pathway.

4. Mr.Karthikeyan suggests that a direction as sought for be issued to R4 to dispose the representation dated 30.06.2020 within a time frame fixed by this Court.

5. Bearing in mind the limited prayer sought, a mandamus is issued directing R4,i.e., The Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Dharmapuri to pass orders on the representation dated 30.06.2020 on merits and in accordance with law after hearing the petitioner as well as the private respondents arrayed as R6 to R12 within a period of twelve (12) weeks from date of receipt of a copy of this order.

6. This Writ Petition is disposed in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Distric Collector,
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Department, Nungampakkam High Road, Chennai.
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rsv[co]
srg 31/07/2020