

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.18719/2020

R.Senthilkumar

..Petitioner

Versus

1. The District Collector,
Erode District.
2. District Revenue Officer,
Erode.
3. The Revenue Divisional Officer,
Gopichettipalayam,
Erode District.
4. Tahsildar,
Bhavani Taluk,
Erode District.

5.K.S.Narayana Gounder
6.P.Ponnusamy
7.S.Boopathiraja

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 4th respondent to carry out the removal of encroachments in Old S.F.No.66/B and RE survey No.82/2, classified as Government Poromboke land in Chinnapuliyur Village in Bhavani Taluk, Erode District in possession of Karuppusamy Temple as per Revenue records, as instructed by the 2nd respondent in vide his letter / Memo in O.Mu.16875/2020/U2 dated 31.08.2020.

For Petitioner : Mr.R.Neelakandan

For RR 1 to 4 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.
through video conferencing]

The petitioner would state that they are worshipping their deity, namely, Karuppusamy for over five decades and the Temple of Karuppasamy was located in S.F.No.66B and new S.F.No.82/2, admeasuring an extent of 0.77 cents in Chinnapuliyur Village, Bhavani Taluk, Erode District.

2. The learned counsel appearing for the petitioner would submit that the private respondents, started causing obstructions and hindrance for the peaceful worship of the said deity and in that process, also caused encroachment on some portion of the said Temple and in this regard, the petitioner has submitted a representation dated 05.08.2020 and acting upon the same, the 3rd respondent has sent a Memo dated 13.08.2020 in Letter No.Na.Ka.4077/2020-A1, to the 4th respondent, to cause survey and inspection and also enquiry, to do the needful. It is also followed by yet another Memo dated 31.08.2020, in letter No.O.Mu.16875/2020-C2, sent by the office of the 1st respondent to the 4th respondent and despite lapse of four months and odd, no action whatsoever has been taken and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Mr.R.Vijayakumar, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4 and would submit that the inspection of the land in question would be caused with the assistance of relevant revenue records and if the result of the survey and inspection of the land reveals any infraction, action would be initiated in accordance with law.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances, and without going into the merits of the claim, projected by the petitioner, either in his representation or in this Writ Petition, directs the 4th respondent, with the help of the jurisdictional Surveyor, as well as with the aid of the relevant revenue record, to cause inspection of the land in S.F.No.66B and new S.F.No.82/2, in Chinnapuliyur Village, Bhavani Taluk, Erode District, after putting the petitioner as well as the private respondents, on notice and if the result of the survey and inspection reveals any infraction on the part of either all the parties or both the parties, shall take immediate, necessary

and appropriate steps, in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as respondents 5 to 7 and any other persons concerned / encroachers.

6. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(L.A)

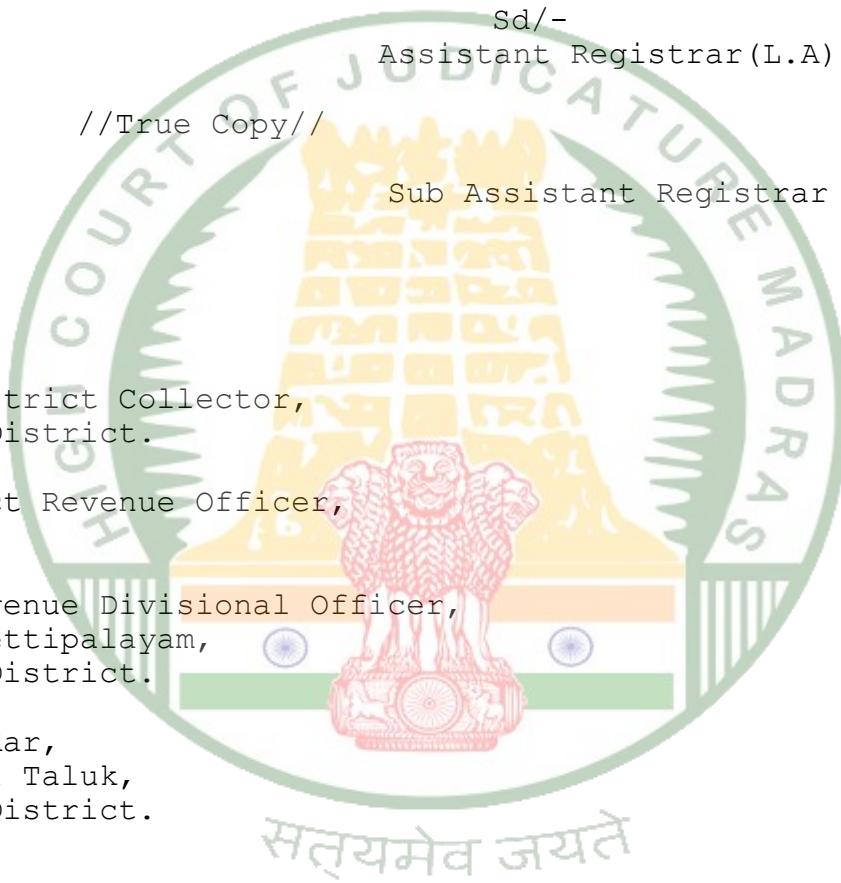
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Sub Assistant Registrar

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To

1. The District Collector,
Erode District.
2. District Revenue Officer,
Erode.
3. The Revenue Divisional Officer,
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4. Tahsildar,
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