

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HON'BLE MR.JUSTICE R. MAHADEVAN  
and  
The HON'BLE DR. JUSTICE ANITA SUMANTH

W.P.No.20291 of 2020  
and  
W.M.P.Nos.25067 & 25068 of 2020

Venkatesa Adigalar  
The Priest of Sri Nagasakthi Siththar Peedam ...Petitioner

.Vs.

1. The District Collector,  
Villupuram District Collectorate Office,  
Villupuram.

2. The Municipal Commissioner,  
Eswaran Koil Street,  
Tindivanam - 604 001  
Villupuram District.

3. The Thasildhar,  
Tindivanam Taluk,  
Tindivanam,  
Villupuram District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorified mandamus, calling for the records of the second respondent relating to the eviction proceeding in Na.Ka.No:3473/202/F1/ dated 14.12.2020 and quash the same and consequently direct the second respondent not to commit any act with the peaceful spiritual activity of Sri Nagasakthi Siththar Peedam Temple at land in Survery No.25/8, T.S.No.3, Block No.1, Ward No.C of Avarapakkam Village, Gingee Road, Santhaimedu, Tindivanam - 604 001 within limit of the Tindivanam Municipality, Villupuram District.

For Petitioner : Mr.P.Bakiyaraj

For Respondents: Mr.V.Jayaprakash Narayanan, for R1 & R3  
State Government Pleader  
Mr.P.Srinivas, for R2

O R D E R

(Order of the Court was made by R.MAHADEVAN, J.)

Mr.V.Jayaprakash Narayanan, learned Government Pleader, accepts notice on behalf of the respondents 1 and 3. Mr.P.Srinivas, learned Standing Counsel, accepts notice on behalf of the second respondent.

2.By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

3.This writ petition has been filed for the issuance of writ of Certiorarified Mandamus to call for the records of the second respondent relating to the eviction proceeding in Na.Ka.No:3473/2020/F1/ dated 14.12.2020 and quash the same and consequently direct the second respondent not to commit any act with the peaceful spiritual activity of Sri Nagasakthi Siththar Peedam Temple situated in Survery No.25/8, T.S.No.3, Block No.1, Ward No.C of Avarapakkam Village, Gingee Road, Santhaimedu, Tindivanam - 604 001.

4.According to the petitioner, the subject land was classified as 'poramboke' in the Revenue records. However, from 1947 onwards, the same was utilized by one Navashakthi Siththar for the spiritual activity and thereafter, his successors. Recognizing the same, the Government issued B-Memos, in respect of the said land. Based on the same, the occupants / landholders are paying taxes to the Revenue authorities and service connection charges to the Electricity Department. They also erected a Sri Nagasakthi Siththar Peedam Temple for the religious activities of the residents. When such being so, the second respondent issued a notice dated 14.12.2020 under Section 182 of the Tamil Nadu District Municipalities Act, 1920, alleging that the petitioner has encroached and constructed the temple and compound wall measuring to an extent of 1406 sq.meter in the subject land, which is classified as 'Pathai poramboke'. In the said notice, the petitioner was directed to remove the encroachment, within a period of 15 days, failing which, the second respondent would initiate appropriate action for removal and recover the expenses to be incurred for the same, from him. Hence, the petitioner has preferred this writ petition for the aforesaid relief.

5.However, when the matter was taken up, the learned counsel for the petitioner submitted that the petitioner would be satisfied, if the representation dated 28.12.2020 made by him, is directed to be considered by the respondent authorities, within a time frame to be stipulated by this Court.

6. There is no serious objection on the side of the respondents, in granting such relief to the petitioner.

7. Taking into consideration the facts and circumstances of the case and the relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, there shall be a direction to the respondent authorities to consider the representation dated 28.12.2020 said to have been submitted by the petitioner, and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order. It is needless to state that if any encroachment is found upon enquiry, it is open to the respondent authorities to proceed further as per law.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-  
Asst. Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The District Collector,  
Villupram District Collectorate Office,  
Villupuram.
2. The Municipal Commissioner,  
Eswaran Koil Street,  
Tindivanam - 604 001,  
Villupuram District.
3. The Thasildhar,  
Tindivanam Taluk,  
Tindivanam, Villupuram District.

+1cc to the Government Pleader, Sr.No.49  
+1cc to Mr.P.Bakiyaraj, Advocate Sr.7108 [12/02/2021]

W.P.No.20291 of 2020 and  
W.M.P.Nos.25067 & 25068 of 2020

rr ii (01/02/2021)