



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.7343 of 2020

The Executive Officer,
Pudukottai Temples,
Rep. by K.Bharathiraja

.. Petitioner

Vs.

1.The Commissioner,
Pudukottai Municipality,
Pudukottai District.

2.The Municipality Surveyor,
Pudukottai Municipality,
Pudukottai District.

3.The Inspector of Police,
Thirugokarnam Police Station,
Pudukottai, Pudukottai District.

4.Kulanthaian

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to survey the petitioner's land and fix boundary stones in respect of survey No.8640, 8643, 8644, 8645, situated at Kavinadu Mela Vattam, Pudukottai Town and District to an extend of 7.60.5 Hectares is belongs to the Arulmigu Sri Vitoba Perummal Temple on the basis of the petitioner's application, dated 02.03.2020 within stipulated time framed as fixed by this Court.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.P.Mahendran for R1 and R2
Mrs.S.Srimathy, for R3
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned counsel appearing for respondents 1 and 2 and the learned special Government Pleader appearing for third respondent. Though notice to the fourth respondent has been served privately, none appears for him.

2.The writ petitioner is the Executive Officer of the Pudukottai Temples. The petition mentioned lands belong to Arulmigu Sri Vitoba Perumal Temple. The petitioner wants the lands to be properly surveyed and demarcated. It appears that some of the lands are in the hands of third parties. But then, unless proper survey is conducted, the petitioner will not be in position to take action for



removal of encroachment. The petitioner has already given an application on 02.03.2020 in this regard to the first respondent.

3. In the very nature of things, this Court has **parens patriae** jurisdiction to see that the lands endowed in favour of temples are maintained and taken care. In order to discharge the said function, survey exercise is a must. Since the first respondent is the proper authority, the first respondent is directed to act on the petitioner's application and based on the available records, carry out proper survey exercise. Of-course, the first respondent will have to carry out the exercise through his subordinate survey officials. They shall cause notice to the necessary parties, before such exercise. Survey exercise shall be concluded as early as possible. If the first respondent finds any hindrance in carrying out the survey, the first respondent can seek the assistance of the jurisdictional police. The jurisdictional police is mandated to aid the first respondent in carrying out the said survey work.

4. This writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner,
Pudukottai Municipality,
Pudukottai District.
2. The Municipality Surveyor,
Pudukottai Municipality,
Pudukottai District.
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