

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.03.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.4570/2021

T.Sundaresan .. Petitioner

Versus

1.The District Collector
Thiruvallur.

2.The Revenue Divisional Officer
Thiruvallur.

3.The Tahsildar
Poonamallee Taluk,
Thiruvallur District.

4.M.Rajamani

5.John Wesly Ravi

6.Balakrishnan

7.Thomas

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to take action against respondents 4 to 7 to remove the encroachments in S.No.95 extent of 2 acres 42 cents situated at Parivakkam Chathiram, Poonamallee Taluk, Tiruvallur District by considering the representation made by the petitioner on 19.03.2020 by the 3rd respondent within the time to be stipulated by this Court.

For Petitioner : Mr.R.Chandrasekaran

For RR 1 to 3 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through
Video Conferencing]

(1)By consent, the writ petition is taken up for final disposal
and is disposed of by this order.

- (2) Mr. R. Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3.
- (3) The petitioner has approached the official respondents in the form of representation alleging that the private respondents are in unauthorised / illegal occupation of the lands in S.Nos.82, 89/2, 89/1, 95 and 92 of Parivakkam Chathiram Village, Poonamallee Taluk, Tiruvallur District. The office of the 1st respondent, vide Endorsement dated 25.02.2008 in Na.Ka, No.39764/07/N1, after referring to the order dated 06.11.2007 made in WP.No.34580/2007 and having found that the lands in S.Nos.82, 89/2, 89/1 and 95 belong to Arulmighu Sri Vigneswarar Temple and that the land in S.No.92 has been classified as "'village site'", has informed the Trustees of the said Temple that they lack power to take any action for eviction. The petitioner, not satisfied with the same, has also submitted one more representation on 19.03.2020 for eviction of the private respondents and since it has failed to invoke any kind of response, is constrained to file the present writ petition.
- (4) The learned counsel for the petitioner would submit that it would be suffice to direct the official respondents to consider and dispose of the petitioner's representation dated 19.03.2020 on merits and in accordance with law within the stipulated time frame.
- (5) Per contra, Mr. R. Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 3 would submit that in the light of the fact that major portion of the lands, as per the Revenue Records, belong to the said temple, the respondents are unable to invoke any law for eviction of the private respondents and the remedy open to the petitioner, if any, is to invoke the Common Law remedy.
- (6) This Court has carefully considered the rival submissions and also perused the materials placed before it.
- (7) This Court, taking into consideration 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, permits the petitioner to approach the Public Information Officer of respondents 1 to 3 to know about the fate of his representation dated 19.03.2020 and depending upon the information furnished, it is open to the petitioner to work out his remedy in accordance with law before the Competent Forum.

(8)The writ petition stands disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ap

To

1.The District Collector
Thiruvallur.

2.The Revenue Divisional Officer
Thiruvallur.

3.The Tahsildar
Poonamallee Taluk,
Thiruvallur District.

+1 cc to Government Pleader sr13178

+1 cc to Mr.R.Chandrasekaran Advocate sr12313

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