

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.4434 of 2020

M.Raja

... Petitioner

vs

- 1 The Secretary
Revenue Department
Secretariat, Chennai 600009
 - 2 The Secretary
Forest Department
Chennai 600009
 - 3 The Director
Archaeological Survey of India
Guindy, Chennai 600032
 - 4 The Director
Animal Husbandry and Veterinary Service
Nandanam Chennai 600035
 - 5 The District Collector
Chengalpet
 - 6 The Revenue Divisional Officer
Madhurandhagam
 - 7 The Tahsildhar
Madhurandhagam
 - 8 The Block Development Officer
Achirapakkam
 - 9 Mazhai Malai Mada Church
Pallipettai Panchayat Achirapakkam Post
Chengalpet District 603301
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the

respondents 1 to 8 to remove the encroachments made by Malaimada Church Achirupakkam in Survey Number 46/4 and 45/4 in Pallipettai Village, Achirupakkam, Maduranthakam Taluk, Kanchipuram District.

For Petitioner : Mr.S.Parthasarathy,
Senior Advocate,
for Mr.G.Surya Narayanan

For Respondents : Mr.Arvind Pandian
Additional Advocate-General

Assisted by Ms.R.J.Radhika,
Government Advocate,
for respondents 1, 2, 4 to 8

Mr.K.V.Muthu Visakan,
for 9th respondent

Mr.G.Karthikeyan, ASGI for R3

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner seeks the removal of alleged encroachments by the Malai Mada Church, Achirupakkam, in Survey Numbers 46/4 and 45/4 in Pallipettai Village, Achirupakkam, Madurantakam Taluk, Kanchipuram District. It is asserted on behalf of the petitioner that the Malai Mada Church has been constructed on lands, which are classified in the revenue records as Meichal Poromboke. It is further stated that the hill area has also been encroached upon by the Church. In spite of submitting a detailed representation on 03.12.2019, it is asserted that the official respondents have not taken any action.

2. Learned Additional Advocate-General appears on behalf of respondents 1 to 8 and submits that if an appropriate representation is submitted to fifth respondent, the same would be considered and disposed of by such respondent in accordance with law, within a specified time-frame. Learned counsel representing the ninth respondent states that an application has been submitted for exchange of land and that such application is under consideration. It appears that a separate writ petition is also pending on the said issue.

3. In the aforesaid facts and circumstances of the case, without examining the merits of the matter, the writ petitioner is permitted to carry a fresh representation to the fifth respondent herein. Such representation shall be submitted within

a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the fifth respondent is directed to consider such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to all affected parties, including the petitioner and the ninth respondent. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of such representation.

4. W.P.No.4434 of 2020 is disposed of on the above terms, without any order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tar

To:

- 1 The Secretary
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Secretariat, Chennai 600009
- 2 The Secretary
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- 7 The Tahsildhar
Madhurandhagam

8 The Block Development Officer
Achirapakkam

+1 cc to Mr.G.Suryanarayanan, Advocate Sr.No. 24390

+1 cc to Mr.G.Karthikeyan, Advocate Sr.No. 23785

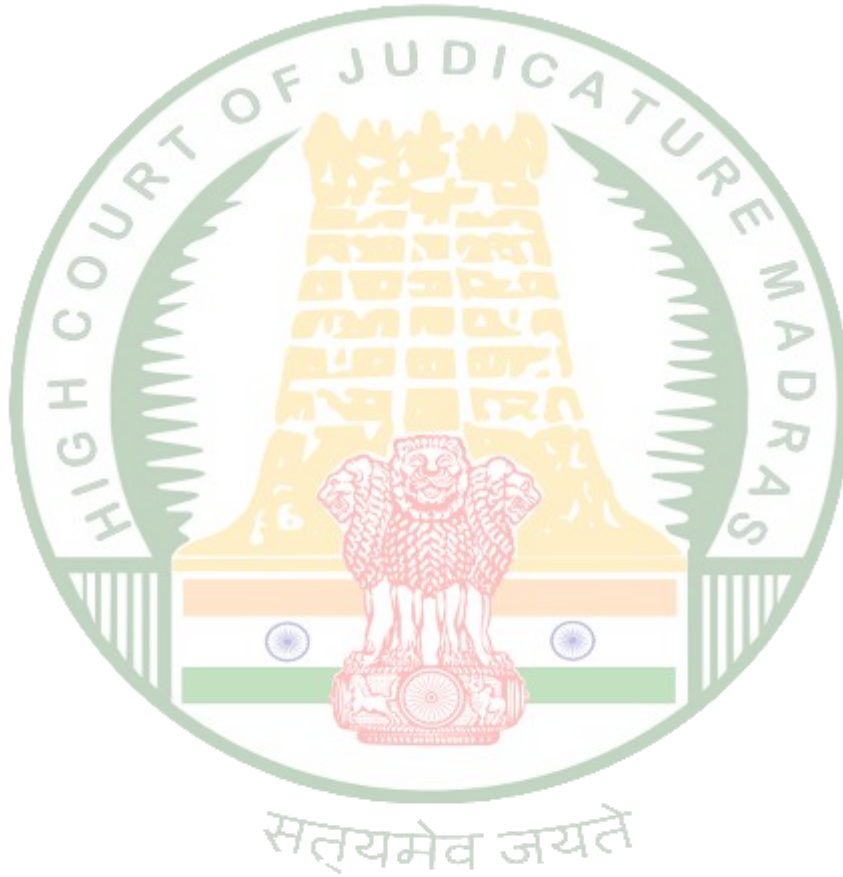
+1 cc to The Government Pleader Sr.No. 24034

+2ccs to M/s.K,.V.Muthuvisakarn, Advocate, Sr.No. 23925

W.P.No.4434 of 2020

AK-I (CO)

RMP (30/04/2021)



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