



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 15462 of 2021

Chinnadurai

...Petitioner

Vs.

1. The District Collector
Cuddalore.
2. The Tahsildar
Virudhachalam Taluk Office
Cuddalore District.
3. The Block Development Officer
Kammapuram
Cuddalore District.
4. The President
Kottagam Village
Virudhachalam Taluk
Cuddalore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents remove the Mariamman Temple along with Bajanai Math situated at Thiruvén Lake in Survey No. 36, Kottagam Village, Virudhachalam Taluk, Cuddalore district.

For Petitioner : Mr. P.Pandiyaraj

For Respondents : Mrs. R.Anitha (For R1 & R2)
State Government Counsel
Mr. D.Ravichander (For R3 & R4)

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

This Writ Petition has been filed for a direction directing the Respondents to remove Mariamman Temple along with Bajanai Math comprised in Survey No.36, situated at Thiruvén Lake, Kottagam Village, Virudhachalam Taluk, Cuddalore District.



2. The Petitioner contends that he is having a residential building in the property comprised in Survey No. 27/1H1, North Street, Kottagam Village, Virudhachalam Taluk, Cuddalore district. The Kottagam village people illegally constructed a Mariamman Temple along with Bajanai Math at Thiruvén Lake, Kottagam Village, Virudhachalam Taluk, Cuddalore district comprised in Survey No. 36, which is preventing the Petitioner to have access to his house as the Temple is located in front of his house. In this regard, the Petitioner has given a representation dated 20.11.2020 to the First and Second Respondents to remove the encroachment made in the water body. Subsequently, the Second Respondent instructed the Third Respondent to remove the encroachments made by one Mr. Jeyapal and Mrs. Vasanthakumari constructed in the water body. In view of that, they removed the building constructed by them in the water body.

3. The grievance of the Petitioner is that several representations dated 30.08.2019, 14.11.2019 and 25.01.2021 have been made by the Petitioner to remove the encroachments, which has been put up by the Kottagam village people. Since no action has been taken so far, the Petitioner has come before this Court.

4. Heard Mr. : Mr. P. Pandiyaraj, Learned Counsel for the Petitioner, Mrs. R. Anitha, Learned State Government Counsel, who takes notice for the First and Second Respondents and Mr. D. Ravichander, Learned Government Advocate, who takes notice for the Third and Fourth Respondents, and perused the materials placed on record.

5. It is evident from the records available that the Respondents already acted upon the representation of the Petitioner vide communication in Na. Ka. No. B4/161/2019 dated 20.11.2020 and initiated proceedings against one Mr. Jeyapal, Mrs. Vasanthakumari, who made encroachments in the property comprised in Survey No. 36, which is a water body according to the Petitioner.

6. In view of that, the Second and Third Respondents are directed to cause a joint inspection of the subject property on 02.08.2021, after giving due notice to all parties concerned including Petitioner as well as the Private Respondent. On such inspection, if it is found that there is an encroachment, it is directed to be removed within a period of two weeks thereafter, after giving sufficient opportunity to them.



7. With the above directions, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The District Collector
Cuddalore.
2. The Tahsildar
Virudhachalam Taluk Office
Cuddalore District.
3. The Block Development Officer
Kammapuram
Cuddalore District.
4. The President
Kottagam Village
Virudhachalam Taluk
Cuddalore District.

+1CC to Mr.P.Pandiyaraj, Advocate, Sr.No.35774
+2CCs to Mr.D.Ravichander, Advocate, Sr.No.36410
+1CC to the Government Pleader, Sr.No.36574

W.P. No.15462 of 2021

SS (CO)
K.RK. (07.09.2021)