

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.18668 of 2021

P.V.Damodharan

...Petitioner

Vs.

1.The District Collector,
Collectorate,
Erode - 638 011,
Erode District.

2.The Revenue Divisional Officer,
Erode - 638 011,
Erode District.

3.The Tahsildar,
Erode Taluk,
Erode District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to remove the encroachments in the temple lands in R.S.No.246/2, Nasiyanur Village, Erode Taluk and District as per the proceedings in Na.Ka.No.19172/2015/Ool, dated 29.04.2021 issued by the 1st respondent and restore the revenue records in the name of A/m.Perumal Temple by considering his representations dated 09.07.2020, 29.12.2020, 27.06.2021 and 23.07.2021.

For petitioner	: Mr.N.Manokaran
For respondents	: Ms.Akila Rajendran
	Govt. Advocate

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

Heard Mr.N.Manokaran, learned counsel appearing for the petitioner and Ms.Akhila Rajendran, learned Government Advocate appearing for the respondents.

2. The petitioner has come up with this writ petition for issuance of a Writ of Mandamus directing the respondents to

remove the encroachments in the temple lands in R.S.No.246/2, Nasiyanur Village, Erode Taluk and District.

3. The 3rd respondent has filed a counter, wherein it has been stated as follows:

5. It is respectfully submitted that as ordered by the District Collector, Erode, the Revenue Divisional Officer, Erode has submitted necessary proposals for the reclassification of the Salai in the land R.S.No.246/2-0.56.50 hectares of Nasiyanur A Village, Erode Taluk, Erode District as follows:

BEFORE SUB DIVISION				AFTER SUB DIVISION		
S.L. No.	R.S.No.	Extent	Classification	R.S.No.	Extent	Classification
1.	246/2	0.56.50	Salai	246/2	0.36.15	Salai
				246/5	0.18.83	Kovil
				246/6	0.01.52	Salai
					0.56.50	

The recommendations of the Tahsildar, Erode and the Revenue Divisional Officer, Erode had been accepted by the District Collector, Erode and approved the Sub divisions by the District Collector, Erode District, in the proceedings Na.Ka.19172/2015/Oo1 dated 26.07.2019 and also ordered that an extent of 0.18.83 Hectares consisting in the 0.56.50 hectares in the Field No.246/2 of Nasiyanur A Village, Erode Taluk, is classified as Temple. Accordingly, necessary changes have been carried out in the village accounts.

8. It is respectfully submitted that the representation dated 20.12.2020 of the petitioner was forwarded in the Memorandum Na.Ka.19172/2015/Oo1, dated 29.04.2021 of the District Collector, Erode to the Tahsildar, Erode instructed to remove the encroachments in the huts erected on the northern side of the land R.S.No.246/2 - Salai Poromboke as already in the proceedings Na.Ka.No.19172/2015/Oo1 dated

28.09.2015 and copy of the representation of the petitioner was sent to the Tahsildar, Erode. It is respectfully submitted that since the subject land bearing R.S.No.246/2 is sub divided as 246/2, 5 and 6, Salai, Kovil, Salai respectively, the action is being taken to remove the encroachments by the officials concerne and entire action would be done within two months."

4. The learned counsel appearing for the respondent would state that as per the counter filed by the 3rd respondent, the encroachment in S.No.246/2, will be removed within a period of two months.

5. In the light of the prayer sought for in this Writ Petition and also taking note of the submission made by the learned Government Counsel, this Writ Petition is disposed of, directing the 3rd respondent to remove the encroachment in S.No.246/2, within a period of two months from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Collectorate,
Erode - 638 011,
Erode District.

2.The Revenue Divisional Officer,
Erode - 638 011,
Erode District.

3.The Tahsildar,
Erode Taluk,
Erode District.

+1 CC to Mr.N.Manokaran, Advocate sr 51903.
+1 CC to The Government Pleader sr 51984.

W.P.No.18668 of 2021

GSM(CO)
SP(09/11/2021)