



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO. 20807 OF 2021

R.Rangaraj

.. Petitioner

Versus

1. The Superintendent Engineer
National Highways Department
Salem Circle, Salem.
2. The Divisional Engineer
National Highways Department
Coimbatore - 641 018.
3. K.Velumani

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the appeal dated 12/02/2020 within the time stated by this Hon'ble Court.

For Petitioner : M/s.Srijayanthi

For Respondents : Mr.Stalin Abhimanyu
Government Counsel for R1 & R2

O R D E R

Mr.Stalin Abhimanyu, learned Government counsel takes notice for the respondents 1 and 2. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. According to the petitioner, he is the Dharmakarthha of Arulnirai Thandumariyamman Thirukovil which is in existence for almost 70 years and the same is also recorded in the revenue books. While so, one Velumani, who is the third respondent



herein, with a malafide intention, attempted to usurp the land belonging to the said temple by filing WP.No.14141 of 2017 praying to remove the temple on the ground that it was constructed in a land classified as National Highways poramboke. This Court, by order dated 15.10.2019, disposed of the said writ petition with a direction to the third respondent herein to submit a fresh application to the Project Officer, Highways Department, Administrative Office, Coimbatore, within a period of two weeks, with a further direction to consider such application on merits. Pursuant to the same, the second respondent, without conducting any enquiry or providing any opportunity to the petitioner and other persons, directed the officials to demolish the temple to the extent of 100 square meters. Aggrieved by the same, an appeal was filed before the first respondent on 12.02.2020, which is kept pending without passing any order. In the mean while, the third respondent is instigating the authorities of the National Highways to demolish the temple land. Therefore, the petitioner has filed this writ petition seeking a direction to the first respondent to take up the appeal filed on 12.02.2020 and dispose of the same, on merits and in accordance with law.

3. Heard both sides and perused the materials available on record.

4. Considering the limited relief sought for in this writ petition, this court, without going into the merits of the case, directs the first respondent to consider the petitioner's appeal dated 12.02.2020 and pass appropriate orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the parties related, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above said direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

dhk



To

1. The Superintendent Engineer
National Highways Department
Salem Circle, Salem

2. The Divisional Engineer
National Highways Department
Coimbatore - 641 018.

+1cc to M/s.A.Srijayanthi, Advocate, S.R.No.50786

+1cc to the Government Pleader, S.R.No.50902

W.P. No. 20807 of 2021

GPL(CO)
RLP(22/10/2021)