



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.24132 of 2021

Muniappan Kovil Arakattalai
rep. by its President,
S.Shanmugam,
S/o M.Sokannan
No.83/130, West Street,
Sakthi Nagar,
Koothampoondi Village,
Anthiyur Taluk,
Erode District.

...Petitioner

Vs.

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

2.The District Revenue Officer,
Collectorate Complex,
Erode - 638 011.

3.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

4.The Tahsildhar,
Anthiyur Taluk,
Erode District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to remove the encroachments in the temple lands in R.S.No.97/1, Koothampoondi Village, Anthiyur Taluk, Erode District, by considering the petitioner's representations dated 14.08.2020, 28.12.2020, 19.02.2021, 30.06.2021 and 13.08.2021.



WEB COPY

For petitioner : Mr.N.Manokaran

For respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

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

Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents to remove the encroachments made in the temple lands in R.S.No.97/1, Koothampoondi Village, Anthiyur Taluk, Erode District.

3.The petitioner is a Trust. It is stated that Arulmigu Muniappan Temple is situated in R.S.No.97/1, Koothampoondi village. A civil suit in O.S.No.544 of 1993 was filed by the then administrators of the temple for the relief of permanent injunction and the said suit was decreed on 30.04.1996. It is the case of the petitioner that some people have encroached upon the temple land and hence, representations were made to remove the encroachments.

4.The learned counsel for the petitioner would state that the fourth respondent without conducting proper survey, has sent a report stating that there is no encroachment in the subject land. Hence, an appeal was preferred before the 3rd respondent and the 3rd respondent vide letter dated 06.11.2020, directed the 4th respondent/Tahsildar to remove the encroachments. But so far, no action was taken. Hence, the present writ petition.

5.The learned counsel for petitioner would further submit that it would suffice, if a suitable direction is issued to the fourth respondent to consider the representations of the petitioner.

6.The learned Additional Government Pleader would state that the communication referred by the petitioner dated 06.11.2020 is not an order from the Revenue Divisional Officer for removal of the encroachments, however, the fourth respondent/Tahsildar is ready to conduct fresh survey and during survey, if any



encroachment is found, he will remove the same in accordance with law.

7. In the light of the limited scope of the prayer sought for in this writ petition, this Court without expressing any opinion on the merits of the matter, directs the fourth respondent to conduct survey in R.S.No.97/1, Koothampoondi village in the presence of the petitioner and other interested parties. During survey, if any encroachment is found in the land in question, the fourth respondent/Tahsildar shall remove the encroachment in accordance with law, after affording opportunity to all the necessary parties. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

8. With the above observations and directions, this writ petition is disposed of. No costs.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

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

2. The District Revenue Officer,
Collectorate Complex, Erode - 638 011.

3. The Revenue Divisional Officer,
Gobichettipalayam, Erode District.

4. The Tahsildhar,
Anthiyur Taluk, Erode District.

+1cc to M/s.N.Manokaran, Advocate Sr.58279
+1cc to the Government pleader Sr.58503

W.P.No.24132 of 2021

vsn II[co]
srg 03/12/2021