



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2021

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.814 of 2021

and

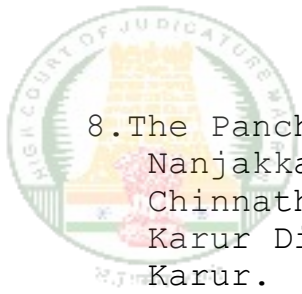
W.M.P. (MD)Nos.685 & 686 of 2021 and 2170 of 2021

K.Palaniyamal

... Petitioner

Vs.

- 1.The Inspector General of Registration,
O/o. the Inspector General of Registration,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Thousand Light West,
Nungampakkam,
Chennai - 600 034.
- 3.The District Collector,
Karur District,
Karur.
- 4.The District Revenue Officer,
O/o. the Revenue Divisional Office,
Karur District,
Karur.
- 5.The Tahsildar,
O/o. the Tahsildar,
Aravakuruchi Taluk,
Karur District.
- 6.The Block Development Officer,
O/o. the Block Development Officer,
Aravakuruchi Taluk,
Karur District.
- 7.The Sub-Registrar,
O/o. the Sub-Registrar,
Chinnatharapuram,
Aravakuruchi Taluk,
Karur District.



8.The Panchayat President,
Nanjakkalakurichi Village,
Chinnatharapuram,
Karur District,
Karur.

9.Paramasivam, S/o.Thangavel

10.Thirumoorthi, S/o.Shanmugam

11.N.S.Purusothaman, S/o.Subbachar

12.Ratharukmani, W/o.Srinivasan

13Ramabai, W/o.Narasimman

14.Gururajan, S/o.Narasimman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachments in the land situated in Survey No.466/30, an extent of 0.9975, Nanjakkalakuruchi Village, Aravakuruchi Taluk, Karur - 639 202 and restore the same to its original position within the period that may be stipulated by this Court.

For Petitioner :	Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R1 and R7 :	Mr.K.Sathiya Singh Additional Government Pleader
For R2 :	Mr.K.P.Narayanakumar Special Government Pleader
For R3 to R6 & R8 :	Mrs.J.Padmavathi Devi Special Government Pleader
For R9 & R10 :	Mr.Babu Rajendran
For R11 to R14 :	Mr.Karthick Kumar

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is the neighbour of respondent Nos.9 and 10, seeks a direction to issue a Writ of Mandamus to remove the encroachment made in the land situated in S.No.466/30 at Nanjakkalakuruchi Village, Aravakuruchi Taluk, Karur District.

2.The learned counsel appearing for the petitioner submitted
<https://hcservices.ecourts.gov.in/hcservices/>



that there is no title in favour of respondent Nos.9 and 10.

3.The learned counsel appearing for respondent Nos.9 and 10 submitted that title can be traced right over from the year 1900. However, the proceedings in Na.Ka.No.A4/3849/2020, dated 23.09.2020, is pending before the Revenue Divisional Officer, Karur.

4.By way of reply, the learned counsel appearing for the petitioner submitted that even before the Trust was formed, a Gift Deed has been made.

5.We do not wish to go into the allegations and counter allegations between *inter se* parties. Suffice it to direct the Revenue Divisional Officer, Karur, to conclude the proceedings after affording an opportunity to respondent Nos.9 and 10 and also to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6.We have also perused the Photographs produced by the learned counsel appearing for respondent Nos.9 and 10.

7.From the above, it appears that the superstructure is in the midway and the superstructure as shown at Page Nos.55 to 57 of the typed set of papers filed on behalf of respondent Nos.9 and 10 can be permitted to be completed, making it clear that no new construction has to be made till appropriate orders as aforesaid to be passed by the Revenue Divisional Officer, Karur. However, we make it clear that it is well open to the private respondents to conduct rituals.

8.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector General of Registration,
O/o. the Inspector General of Registration,

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
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3.The District Collector,
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5.The Tahsildar,
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7.The Sub-Registrar,
O/o. the Sub-Registrar,
Chinnatharapuram,
Aravakuruchi Taluk,
Karur District.

8.The Panchayat President,
Nanjakkalakurichi Village,
Chinnatharapuram,
Karur District,
Karur.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-7950[F]
dated 01/03/2021)

+1 CC to M/s.SPL GP (SR-8206[F] dated 02/03/2021)
(SR-8241[F] dated 02/03/2021)

W.P. (MD) No. 814 of 2021

01.03.2021

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