



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM:

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA**

W.P. (MD) No.3558 of 2021

Arulmigu Sree Yellaiyamman Kovil Trust,
represented by its
Managing Trustee,
S.Chandrasekar

... Petitioner

-vs-

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thanjavur District.

4.The Tahsildar, Taluk Office,
Thanjavur,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to remove the encroachments made by the encroachers in Survey No.60 of an extent of 0.944 hectares, which is a temple pond situated at Ward No.5, Block No.7, Pudupattinam Village, Thanjavur Town and District, on the basis of the petitioner's representation, dated 01.12.2020 within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader for 1, 3 & 4



O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

This is a petition alleging encroachments and seeking removal thereof.

WEB COPY

2. The petitioner will make a detailed representation to the Commissioner of Thanjavur Municipal Corporation within four weeks from the date.

3. Upon receipt of the said representation of the petitioner, the Commissioner will look into the allegations and take appropriate measures in accordance with law after affording an opportunity of hearing to the persons likely to be affected by his decision. The decision of the Commissioner should be communicated to the petitioner within six weeks of the receipt of the representation.

4. In the event the petitioner is dissatisfied with the action taken by the Commissioner or the decision communicated to the petitioner, the petitioner will be entitled to seek further remedies in accordance with law, but not by way of any public interest litigation and upon establishing the petitioner's *locus standi*.

5. The respondents, including the Commissioner, are reminded that no encroachment should be allowed on any Government land or waterbody and there should not be any kind of construction or attempt at construction without due permission or sanction from the local authorities.

6. W.P.(MD) No.3558 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk / ssl

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 District Collector,
Office of the District Collector,
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2.The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur.

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Thanjavur District.

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Thanjavur District.

+1 CC to M/s.N.DILIP KUMAR, Advocate SR-7054[F] dated 24/02/2021

+1 CC to M/s.SPL GP (SR-7259[F] dated 25/02/2021)

W.P. (MD) No.3558 of 2021
24.02.2021

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