



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.P. (MD)No.7438 of 2020

and

W.M.P. (MD)No.6894 of 2020

P.Kandasamy

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District, Sivagangai.
- 2.The Block Development Officer,
Kalaiyarkovil Block,
Sivagangai District.
- 3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.A.Chelladurai
- 5.A.Dharmalingam
- 6.S.Karuppaiah
- 7.R.Chinnakaruppu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment i.e., "Karuppaiah Temple" made by respondents 4 to 7 in S.No.33, Moovar Kanmoi Village, Kalayarkovil Taluk, Sivagangai District which is classified as "Vaganag Oorani" as per revenue records.

For Petitioner : Mr.S.Satheesh Kumar

For R1 to R3 : Mr.K.P.Krishna Dass
Special Government Pleader

For R4 to R7 : Mr.M.Ramu

* * * * *

ORDER

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

The petitioner seeks removal of encroachment said to have been made in the water body.

2.In the counter affidavit filed by respondent No.2, the following statements are made:

"6. It is respectfully submitted that it is the main



allegation of the petitioner that the individual respondents 4 to 7 are trying to reconstruct the temple which was in original extent of 36 feets by encroaching the water body namely Vakkananoorani. On 03.09.2020 the 2nd respondent and Village Administrative Officer visited the temple area. The original temple is situated about 100 sq. fts. At the time of inspection dated 03.09.2020 renovation was not started by the village people.

7.It is submitted that the petitioner's contention is that the individual respondents are trying to encroach upon the vakkananoorani by extending the temple renovation work. But, even before initiation of the renovation work, the 2nd respondent along with Village Administrative Officer rushed to the spot on 03.09.2020 and advised the people not to proceed with the renovation work in the Karuppaia Temple and directed them to remove all the building materials. Accordingly, the village people stopped the renovation work and removed all the building materials from the encroachment area i.e., in S.No.33 and restored as per earlier stage.

8.It is submitted that it is to state here that at present old temple is only existing there and no renovation or reconstruction is made in the old temple. In view of the discussions made all above, there is no encroachment in the guise of renovation work is made in the Karuppaiya Temple in Veladidhammam Village in S.No.33. Hence, the present writ petition may be dismissed."

3.In such view of the matter, nothing survives for adjudication in this Writ Petition and the same is closed. However, we make it clear that in the event of any encroachment in future under the guise of constructing temple, the respondents will have to take action. If the petitioner has also encroached upon the water body, appropriate action will have to be taken in accordance with law. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

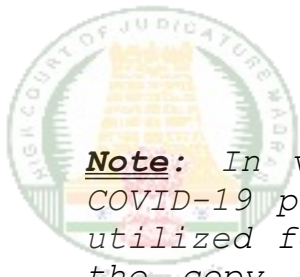
Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

sj



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,
Sivagangai District, Sivagangai.

2.The Block Development Officer,
Kalaiyarkovil Block,
Sivagangai District.

3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-12249[F] dated 18/03/2021)

W.P. (MD)No.7438 of 2020
17.03.2021

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SSS(CO)
KK(09.04.2021) 3P 5C