



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.9556 of 2021

and

W.M.P(MD)No.7309 of 2021

WEB COPY

S.Punithavathi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

3.The Divisional Engineer,
National Highways,
Madurai Division,
Madurai.

4.The Assistant Engineer,
National Highways,
O/o.Assistant Engineer,
Tallakulam, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to demolish the petitioner's Samathi Temple situated in R.S.No.12/4, Iravathanallur, Madurai, on the guise of an encroachment.

For Petitioner : Mr.R.Sevugaraja

For Respondents : Mr.B.Saravanan,
Government Advocate

ORDER

(Order of the Court was made by

PUSHPA SATHYANARAYANA, J.)

The Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus directing the respondents not to demolish the petitioner's Samathi Temple situated in R.S.No.12/4, Iravathanallur, Madurai under the guise of encroachment.

<https://hcservices.eco.rts.gov.in/hcservices/>



2. In the counter-affidavit, the Assistant Engineer, National Highways, Madurai, the fourth respondent herein has stated as follows:

"7. I submit that the temple named as Samathi temple under Sri Visalakshi Trust is in Survey No.17 of Iravathanallur Village of Madurai. The said Survey No.17 is a Government National Highways land and not the property of any individual person as claimed by the petitioner. The Taluk Deputy Surveyor, Madurai South Taluk surveyed the land in Survey Nos.12/4 & 17. On survey, it is found that the temple claimed by the petitioner as Samathi temple under Visalakshi trust is coming under Survey No.17, which is mentioned as road in Iravathanallur village records. The sketch filed by the Taluk Deputy Surveyor discloses the fact that the temple is constructed in road which is an encroachment made by the petitioner.

8. I submit that in the light of the above mentioned facts, the temple as claimed by the petitioner is not in patta land as per Survey and village revenue records. Moreover, it is constructed in National Highways road land and as such it is an encroachment and also the petitioner is not entitled for the relief as prayed for in the writ petition."

2. As per the revenue records also, the said survey number mentioned in the petition is falling within the category of 'road'.

3. However, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner has stated that the petitioner's property is a patta land and there is no disturbance from the respondents and the same may be recorded.

4. In view of the above, recording the statement made by the learned counsel appearing for the petitioner, the Writ Petition is closed as no further adjudication is required. No Costs. Consequently, connected Miscellaneous Petition is closed.

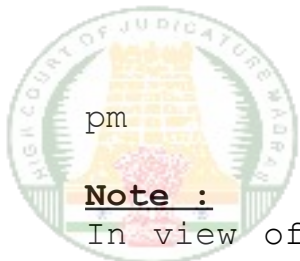
Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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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,
Madurai District,
Madurai.
- 2.The Tahsildar,
Madurai South Taluk,
Madurai District.
- 3.The Divisional Engineer,
National Highways,
Madurai Division,
Madurai.
- 4.The Assistant Engineer,
National Highways,
O/o.Assistant Engineer,
Tallakulam,
Madurai.

+1 CC to M/s.SPL GP (SR-35878[F] dated 25/11/2021)

**W. P (MD) No. 9556 of 2021
24.11.2021**

TSK (CO)
SB(08.12.2021) 3P 6C