



WEB COPY

W.P.(MD)No.15309 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.15309 of 2019

(Through Video Conferencing)

Manickam

: Petitioner

Vs.

- 1.The District Collector
Pudukottai, Pudukottai District.
- 2.The District Revenue Officer,
Pudukottai,
Pudukottai District.
- 3.The Revenue Divisional Officer,
Pudukottai
Pudukottai District.
- 4.The Assistant Commissioner
Hindu Religious Charitable Endowment Department
Pudukottai, Pudukottai District.
- 5.The Tahsildar,
Thirumayam
Pudukottai District.
- 6.The Block Development Officer
Block Development Office
Thirumayam, Pudukottai District.
- 7.Tamilarasan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the 1st respondent to remove the encroachments and protect the drinking water pond and the cart road in Survey No.164, 165/2B and its extent of 0.72.0 and 0.58.5 ares respectively in Kulamangalam Village, Thirumayam Taluk, Pudukottai District based on the petitioner's representation dated 08.03.2019.

For Petitioner : Mr.Prasanna Rajadurai

For Respondents : Mr.K.P.Krishnadoss

Special Government Pleader for R1 to R5

Mr.B.Bhagavathy for R6

Mr.V.Sitharanjandas for R7

ORDER

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

Heard the learned counsel for the petitioner and the learned counsel for the respondents.



2. Upon perusing the affidavit filed, it appears that there indeed exists an encroachment over an area, which has been classified as water body. It is also seen that a suit has been filed in O.S.No.219/2015 on the file of the Sub Court, Pudukottai and an exparte decree has been obtained by the respondent No.7. An application has also been filed to set aside the exparte decree in IA No.214/2019.

3. The instructions given by the Block Development Officer, Thirumayam, would indicate that the 7th respondent is proceeding with the construction by attempting to construct a new temple.

4. In view of the above, a direction is issued to the official respondents to see to it that the encroachment made over an area, which is not the subject matter of the suit decreed, is removed, after following the procedure. Insofar as the subject matter of the suit is concerned, a direction is issued to the Sub Court, Pudukottai to dispose of IA NO.214/2019 within eight weeks from the date of receipt of a copy of this order, if not disposed of already. We make it clear that the official respondents shall make sure that no further construction can take place with respect to the temple.

5. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

RR

To

1.The District Collector
Pudukottai, Pudukottai District.

2.The District Revenue Officer,
Pudukottai, Pudukottai District.

3.The Revenue Divisional Officer,
Pudukottai
Pudukottai District.

4.The Assistant Commissioner

<https://hcservices.mca.gov.in/hcservices/> Pudukottai District Charitable Endowment Department



Pudukottai, Pudukottai District.

5.The Tahsildar,
Thirumayam
Pudukottai District.

6.The Block Development Officer
Block Development Office
Thirumayam, Pudukottai District.

COPY to:
The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-14787[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-15008[F] dated 01/04/2021)

Order made in
W.P. (MD) No.15309 of 2019
Dated: 31.03.2021

GS (24.04.2021) 3P 10C