



WEB COPY

W.P.(MD).No.12549 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.12549 of 2021

S.R.Murugesan

...Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Tenkasi District,
Tenkasi.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Office,
AR Line Road,
Armed Forces Road,
Palayamkottai,
Tirunelveli-2.

3.The Inspector,
HR & CE Office,
Sankaranainar Temple Road,
Sankarankoil Taluk,
Tenkasi District.

4.The Assistant Director, (Panchayat),
Collectorate Office,
Tenkasi District.

5.K.Ramasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent herein in the Temple land belonging to Sulapidariamman temple in Paruvakkudi Village, Sankarankoil Taluk, Tenkasi District, in Survey No.375/1 under patta No.2, Paruvakkudi Village, Sankarankoil Taluk admeasuring 0.08.0 ares, which is 20 cents by considering the representations including the one dated 10.06.2021 within the time stipulation as prescribed by this Court.

For Petitioner

: Mr.S.Radhakrishnan

For Respondents 1 to 4 :

Mr.A.K.Manikkam,
Standing Counsel for Government



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Radhakrishnan, learned counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents 1 to 4.

2.The petitioner seeks for a direction upon the respondents 1 to 4 to remove the encroachment made by the fifth respondent herein in the Temple land belonging to Sulapidariamman temple in Paruvakkudi Village, Sankarankoil Taluk, Tenkasi District, in Survey No.375/1 under patta No.2, Paruvakkudi Village, Sankarankoil Taluk, admeasuring 0.08.0 ares, which is 20 cents by considering the representations including the one dated 10.06.2021.

3.From the photographs filed along with in the typed-set of papers, *prima facie* it is clear that there is an encroachment made with asbestos sheet and it appears that the respondents 2 and 3 are taking appropriate action. If the fifth respondent is a trespasser into the temple property, immediate action should be taken to remove the trespasser, since the fifth respondent has no right to squat on the temple property.

4. Accordingly, we direct the respondents 2 and 3 to take appropriate action for removal of the encroachment within a period of three weeks from the date of receipt of copy of this order, after issuing notice to the fifth respondent.

5.With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// 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,
Collectorate Office,
Tenkasi District, Tenkasi.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Office,
AR Line Road,
Armed Forces Road,
Palayamkottai,
Tirunelveli-2.

3.The Inspector,
HR & CE Office,
Sankaranainar Temple Road,
Sankarankoil Taluk,
Tenkasi District.

4.The Assistant Director, (Panchayat),
Collectorate Office,
Tenkasi District.

+1 CC to M/s.S.RADHAKRISHNAN, Advocate (SR-23913[F] dated
26/07/2021)

+1 CC to M/s.SPL GP (SR-24187[F] dated 28/07/2021)

W.P. (MD) .No.12549 of 2021
26.07.2021

RD(3.08.2021) 3P 7C