



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021
CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

The HON'BLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.13040 of 2021

and

W.M.P(MD).No.10112 of 2021

A.Vengadesan .. Petitioner

Vs

- 1.The District Collector,
O/o.District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Director,
Town Panchayat, Nagercoil,
Kanyakumari District.
- 4.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.
- 5.The Executive Officer,
Thengampudur Town Panchayat,
Thengampudur,
Kanyakumari District.
- 6.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
- 7.The Block Development Officer,
O/o.Block Development Officer,
Agastheeswaram Taluk,
Kanyakumari District.



8.I.Thangaswamy

9.Arulmigu Bathrakaliyamman Kudumba Kovil Trust,
Rep K.Ayyavu Thangam,
Kunjan Vilai,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents 1 to 7 to initiate appropriate action against the unauthorised construction put by by the respondents 8 and 9 in Survey No.142/5B, Madhusuthanapuram Village, Agasteeswaram Taluk, Kanyakumari District in an extent of 1.5 cents and consequently forbear the respondents 8 and 9 to stop the unauthorized construction for constructing a temple illegally near his compound wall and conducting prayer sessions in the said land and usage of the building as place of worship without getting prior approval as per Rule 4 (3) of the Tamil Nadu Panchayat Building Rules, 1997.

For Petitioner : Mr.G.Anto Prince

For Respondents 1-7 : Mr.A.K.Manikkam

Standing Counsel for Government

ORDER

[Order of the Court was delivered by
The Hon'ble Chief Justice]

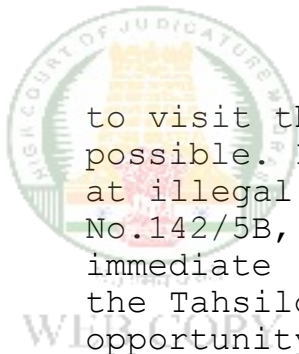
The petitioner complains of unauthorised construction at a plot of land bearing survey No.142/5B, Madhusuthanapuram Village, Agasteeswaram Taluk of Kanyakumari District. The petitioner claims that about 1.5 cent of land has been taken over by the respondent Nos.8 and 9 to wrongfully construct a temple on revenue land.

2.Mr.A.K.Manikkam, learned standing counsel appearing for the State, takes notice on behalf of respondent Nos.1 to 4, 6 and 7. According to such respondents, there is no construction which is taking place and no construction of the nature that is complained of by the petitioner. These respondents suggest that the apprehension expressed by the petitioner is unfounded.

3.Whatever may be the case, the allegation is of encroachment of government land and the appropriate officials not taking any action. Far too much of government land in the State is under the occupation of unauthorised persons and waterbodies are desecrated every day by the creeping acquisition of more and more parts thereof by the burgeoning population.

4.Notwithstanding the objections of the private respondents, the fourth respondent Tahsildar of Agastheeswaram Taluk is directed

<https://hcservices.ecourts.gov.in/hcservices/>



to visit the site and conduct a personal inquiry as expeditiously as possible. If the Tahsildar finds any illegal construction or attempt at illegal construction on any part of the government land at Survey No.142/5B, Madhusuthanapuram village, the Tahsildar will take immediate appropriate action in accordance with law. At any rate, the Tahsildar will, after undertaking a visit to the site, afford an opportunity of hearing to both the petitioner and any other person who may be affected by his order in the event any illegal construction is found on government land. For the purpose of this order being implemented, the petitioner is permitted to carry a fresh, detailed representation to the Tahsildar within the next 48 hours. The Tahsildar will take cognizance of such representation without insisting on a copy of this order, since this order is made to the hearing of learned advocate representing the Tahsildar.

5.The private respondents will be forwarded copies of the petition and this order. No previous notice was required to be issued to the private respondents in view of the nature of the order passed and the direction on the Tahsildar to give all persons who may be affected by his order an opportunity of hearing before making any order in accordance with law.

6.W.P.(MD)No.13040 of 2021 is disposed of, without any order as to costs. Consequently, WMP(MD).No.10112 of 2021 is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
O/o.District Collector,
Nagercoil,
Kanyakumari District.



2.The Revenue Divisional Officer,
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7.The Block Development Officer,
O/o.Block Development Officer,
Agastheeswaram Taluk,
Kanyakumari District.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-24655[F] dated
30/07/2021)

+1 CC to M/s.GP (SR-24938[F] dated 02/08/2021)

W.P. (MD) No.13040 of 2021
29.07.2021

SSS (CO)

LR (06.08.2021) 4P 10C