



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **05.08.2021**

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.13501 of 2021

and

W.M.P. (MD) Nos.10458 & 10459 of 2021

WEB COPY

Sri Valaroleeswara Swamy Nagara Vairava Swamy Devasthanam,
rep. by its Trustee T.Vairavan,
Nagara Vairavan Patti
Tirupattur Taluk - 630212. ... Petitioner

Vs.

- 1.The District Collector cum Inspector of Panchayats,
Sivangangai District.
- 2.The Block Development Officer
Tirupattur,
Sivangangai District.
- 3.The President
Manamelpatti Village Panchayat,
Sivangangai District.
- 4.S.Sekar
Vice President,
Manamelpatti Village Panchayat,
Sivangangai District.
- 5.The Assistant Executive Engineer
TANGEDCO,
Tiruppattur. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the 3rd and 5th respondents from issuing fresh Building Plan permissions, House Tax receipts, water connections, other Taxes, EB Connections etc to the Petitioner's Temple Land Comprising in Patta Nos.3, 1006 Nedumaram Group, Tirupattur Taluk, Sivangangai District.

For Petitioner	: Mr.RM.Arun Swaminathan
For 1 st Respondent	: Mr.P.Subbaraj Standing Counsel for State
For 2 nd Respondent	: Mr.A.K.Manikkam Standing Counsel for Government



ORDER

The petitioner seeks to prevent the third and fifth respondents herein from issuing building plan permissions, house tax receipts, water connections, EB connections and the like as regards the petitioner's land in Patta Nos.3 and 1006, Nedumaram Group, Tirupattur Taluk, Sivagangai District.

2. The petitioner states that the Temple owns properties in the aforesaid patta numbers of a very large extent. It is also stated that several encroachments have been made on the aforesaid lands by at least 50 families. The petitioner states that an attempt was made to obtain the particulars of the encroachers, including by invoking the provisions of the Right to Information Act, 2005. Meanwhile, it is stated that such encroachers have executed unregistered documents on the basis of which house tax receipts and water connections have been obtained. The present Writ Petition is filed to prevent such incidents in the future.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.A.K.Manikkam, learned counsel, accepts notice on behalf of the second respondent.

4. Upon perusal of the affidavit in support of the writ petition, it is evident that the petitioner has not provided specific information with regard to the alleged encroachers. In other words, neither the names nor the descriptions of such persons are set out in the affidavit. Instead, broad, sweeping statements have been made and the relief claimed is also extremely wide-ranging in as much as the petitioner seeks to prevent the official respondents from issuing building permissions, house tax receipts, water connections etc. to any applicant. Such an order cannot be issued without examining the merits of the individual application for such planning permission, house tax receipts etc. However, it is always open to the petitioner to ascertain particulars of encroachers and, thereafter, institute appropriate legal proceedings to evict such encroachers or to prevent such encroachers from putting up construction on the temple properties.

5. For the reasons aforesaid, W.P.(MD).No.13501 of 2021 is disposed of with the above observations and without any order as to costs. Consequently, W.M.P.(MD). Nos.10458 & 10459 of 2021 are closed.

Sd/-

Assistant Registrar (CRL)

// 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.

WEB COPY

To

- 1.The District Collector cum Inspector of Panchayats,
Sivangangai District.
- 2.The Block Development Officer
Tirupattur,
Sivagangai District.
- 3.The President
Manampatti Village Panchayat,
Sivagangai District.

+1 CC to M/s.GP (SR-25522[F] dated 06/08/2021)

W.P. (MD) .No.13501 of 2021

Dated :

05.08.2021

MGJ(13.08.2021) 3P 5C