



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14863 of 2021

and

W.M.P(MD) .No.11771 of 2021

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Justice A.Selvam (Retd)

... Petitioner

Vs.

1. The District Collector Cum Inspector of Panchayat,
Sivagangai District,
Sivagangai.
2. The Commissioner,
H.R & C.E Department,
No.119-Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam, Chennai.
3. Joint Commissioner,
H.R & C.E Department,
Sivagangai.
4. Assistant Commissioner,
H.R & C.E Department,
Sivagangai.
5. Inspector,
Nachiyarpuram,
H.R & C.E Department,
Thiruppathur Taluk,
Sivagangai District.
6. Block Development Officer (Panchayat),
Thiruppathur,
Sivagangai District.
7. The President,
Pulankurichi Panchayat,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to suitably direct respondents 6 and 7 to implement and comply the



order dated 06.07.2021 issued by the fifth respondent for the removal of road illegally laid in the temple land by considering the representation dated 13.07.2021 within the period that may be stipulated by this Court.

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For Petitioner : Mr.R.Gandhi
For Respondents : Mr.Veera Kathiravan,
Senior Counsel,
assisted by Mr.P.Subbaraj,
Counsel for the State for R1 to R5
Mr.K.S.Selva Ganesan,
Standing Counsel for R6 and R7

O R D E R

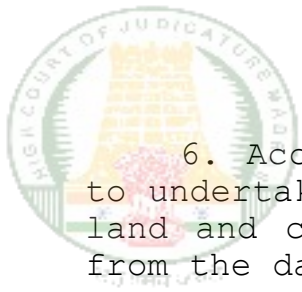
The petitioner seeks the removal of an asphalt road on temple land in accordance with the order dated 06.07.2021 of the fifth respondent. The petitioner states that the land bearing Survey No.44 in Pulankurichi Village is classified as "Sri Uruman Aalayam". The said Aalayam was taken over by the H.R & C.E Department in the year 1975 and is under their supervision and control. The petitioner relies upon the 'A' Register and the Village accounts to corroborate his submission.

2. The petitioner states that the sixth and seventh respondents laid an asphalt road for a length of 225 feet in the above mentioned land without obtaining prior permission from the H.R & C.E Department. Upon coming to know of the same, the petitioner reported such illegality to the fourth respondent. Thereafter, the fourth and fifth respondents inspected the spot and concluded that the sixth and seventh respondents had trespassed into the land. Therefore, an order dated 06.07.2021 was issued by the fifth respondent. By such order, the sixth and seventh respondents were directed to remove the road laid in the temple land. The present writ petition is filed on account of the failure of the sixth and seventh respondents to take necessary action in compliance with the order dated 06.07.2021.

3. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of respondents 1 to 5 and Mr.K.S.Selva Ganesan, learned Standing Counsel, appears on behalf of respondents 6 and 7.

4. On instructions, Mr.Subbaraj submits that the road would be removed in accordance with the order dated 06.07.2021 within a reasonable time frame.

5. The petitioner has also produced a letter dated 24.08.2021 by which the seventh respondent has requested for permission from the sixth respondent to use a JCB for the purpose of removing the road. In light of all the aforementioned, the only thing that remains is the actual removal of the road in accordance with the order dated 06.07.2021. Needless to say, this process should be completed within a specified time limit.



6. Accordingly, the sixth and seventh respondents are directed to undertake the exercise of removing the asphalt road in the temple land and complete the process within a period of thirty (30) days from the date of receipt of a copy of this order.

7. W.P(MD).No.14863 of 2021 is allowed in the above terms without any order as to costs. Consequently, connected W.M.P(MD) No.11771 of 2021 is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

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To

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Panchayat,
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5. Inspector,
Nachiyarpuram,
H.R & C.E Department,
Thiruppathur Taluk,
Sivagangai District.



6. Block Development Officer (Panchayat),
Thiruppathur,
Sivagangai District.

7. The President,
Pulankurichi Panchayat,
Thiruppathur Taluk,
Sivagangai District.

+1 CC to M/s.R.GANDHI, Advocate (SR-28660[F]
dated 09/09/2021)

+1 CC to M/s.SPL GP (SR-28663[F]
dated 09/09/2021)

W.P. (MD) No.14863 of 2021
08.09.2021

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