



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P. (MD) No.18243 of 2020

R.Ramadoss
Secretary
Batlagundu Manjalar Dam Water
Users' Association
No.8-10-5, South Street
Batlagundu
Dindigul District

... Petitioner

-vs-

- 1.The District Collector
Dindigul District
- 2.The Tahsildhar
Nilakottai Taluk
Dindigul District
- 3.The Executive Engineer
P.W.D. (W.R.O.)
Manjalar Dam Sub Division
Periyakulam
Theni District
- 4.The Assistant Engineer
P.W.D.(W.R.O.)
Manjalar Canal Section
Batlagundu, Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 3 and 4 to remove the temple encroachments made in Vedakulam Tank, situated in S.No.882 in old Batlagundu Village, Dindigul District.



For Petitioner : Mr.R.Suriyanarayanan
For Respondents: Mrs.J.Padmavathi Devi
Special Government Pleader

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The present writ petition is filed by the petitioner seeking a writ of mandamus directing the respondents to remove the encroachments made in the two waterbodies.

2. On instructions, learned Special Government Pleader appearing for the respondents submitted that, indeed, there was an encroachment, which was accordingly, removed. At present, there is no encroachment as such.

3. By way of reply, learned counsel for the writ petitioner submitted that there is an encroachment by way of a new construction of Temple. Learned Special Government Pleader submitted that there is no second Temple as alleged by learned counsel for the petitioner, but old one, which is in existence for about five centuries.

4. On a perusal of the representation made seeking to take action from the respondents, the petitioner has merely alleged that the encroachments have been made in the form of agricultural operations. Thus, there is no reference about the Temple in existence having been put up recently. In such view of the matter, we are not inclined to go into the said issue, as the petition does not contain anything about the other encroachment. In such view of the matter, the writ petition is closed. However, the petitioner is at liberty to workout his remedy on him proving that the recent construction has been made by putting up a Temple. No costs.

Sd/-

Assistant Registrar

// 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.

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



To:

- 1.The District Collector,
Dindigul District.
- 2.The Tahsildhar,
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Dindigul District.
- 3.The Executive Engineer,
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Manjalar Dam Sub Division,
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