



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.21907 of 2021

P.Karunaneethi

... Petitioner

vs.

1) The District Collector,
Thanjavur District,
Thanjavur.

2) The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

3) The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam,
Thanjavur District.

4) The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai,
Chennai.

5) The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Kumbakonam,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachments made on the Temple tank land situated in T.S.No.1011, 1013 and 1014 situated at Ward No.04, Block No.19, Kumbakonam Town, Thanjavur District, based on the petitioner's representation dated 25.08.2021.

For Petitioner : Mr.G.Gomathi Sankar

For R1 & R3 to R5 : Mr.B.Saravanan

Additional Government Pleader

For R2 : Mr.M.Rajarajan



ORDER

(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

The writ petition is filed for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachments made on the Temple tank land in T.S.Nos.1011, 1013 and 1014 situated at Ward No.04, Block No.19, Kumbakonam Town, Thanjavur District, based on the petitioner's representation dated 25.08.2021.

2. The petitioner would state that there is a temple, which is called ''Sri Arulmigu Kodiyaamman and Arulmigu Thetchanamoorthy Temple'' in Kumbakonam Town and there is a temple tank land in T.S.Nos.1011, 1013 and 1014, which is encroached by the encroachers, by constructing buildings, due to which, the streets of the area are entirely blocked by the rain water during rainy season. Despite representations to remove the encroachment, no action was taken by the respondents. Hence, this writ petition.

3. The learned Additional Government Pleader would state that the 1st respondent will pass suitable orders, on the representation of the petitioner dated 25.08.2021, within a time frame.

4. Recording the above submission, a direction is issued to the 1st respondent, District Collector, to consider the representation of the petitioner dated 25.08.2021, after affording an opportunity of personal hearing to the petitioner and then remove the encroachment, if any, in the place in question, within a period of four weeks.

5. With the above direction, the Writ Petition is disposed of. No costs.

6. Post the matter on 13.01.2022, for reporting compliance.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1) The District Collector,
Thanjavur District,
Thanjavur.



2) The Commissioner,
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Kumbakonam,
Thanjavur District.

3) The Tahsildar,
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Mayiladuthurai,
Chennai.

5) The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Kumbakonam, Thanjavur District.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-38255[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38356[F] dated 13/12/2021)

+1 CC to M/s.G.GOMATHISANKAR, Advocate (SR-38150[F] dated
10/12/2021)

W.P(MD)No.21907 of 2021

DATED : 10.12.2021

_RD(22.12.2021) 3P 9C