

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5516 of 2022

And

W.M.P.No.5599 of 2022

Arulmigu Sri Bhavani Muthumari Amman Thirukovil
Rep. by its Secretary
Mr.Sachithanandam

... Petitioner

Vs.

1.The Special District Revenue Officer (Land Acquisition)
Highways Department,
Metro Wing,
Alandur,
Chennai - 600 016.

2.The District Collector,
Chengalpattu District.

3.The Assistant Divisional Engineer,
CMDP Sub-Division - 3,
Highways Department,
Chennai - 600 032.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner representation dated 08.02.2021 being forwarded by the second respondent vide O.M. 2023/2021/B1 dated 21.05.2021.

For Petitioner : Mr.J.Ashok
for M/s.B.Logendiran

For Respondents : Mr.R.Vigneswaran
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 08.02.2021 forwarded by the second respondent vide O.M. 2023/2021/B1 dated 21.05.2021.

2.The case of the petitioner is that the petitioner is the Secretary of Arulmigu Sri Bhavani Muthumari Amman Thirukovil and he has built the said Temple. The respondents, without any notice to the petitioner, tried to remove the deity for widening of the road under the Highways Act. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is not the title owner, however, being the Secretary of the Temple he is an interested person and is entitled to receive notice from the Land Acquisition Officer, however, without any notice the respondents are trying to remove the deity from the land is not sustainable one.

4.The learned Government Advocate appearing for the respondents submitted that notice will be issued only to the interested person or title owner. In the present case, petitioner is not coming under the purview of interested person and he is not the title owner. In the absence of any record to show that the petitioner is entitled to receive notice, filing of writ petition is not sustainable one.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The petitioner claim that he is the Secretary of Arulmigu Sri Bhavani Muthumari Amman Thirukovil, however, his Secretaryship is not authorised by the H.R.&C.E. Department. Though he claim that he has adangal and other receipts in the name of Temple, that does not mean that the petitioner is entitled to receive notice. There is no record to show that the petitioner is the interested person or title owner. In the absence of any record to establish that the petitioner is the interested person or title owner, filing of the writ petition is not sustainable one.

7.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Special District Revenue Officer (Land Acquisition)
Highways Department,
Metro Wing,
Alandur,
Chennai - 600 016.
- 2.The District Collector,
Chengalpattu District.
- 3.The Assistant Divisional Engineer,
CMDP Sub-Division - 3,
Highways Department,
Chennai - 600 032.

+1cc to Mr.A.Logendiran, Advocate SR.No.17344

+1cc to the Government Pleader, SR.No.17818

W.P.No.5516 of 2022

And

W.M.P.No.5599 of 2022

SPD(CO)

CB(11/04/2022)