



W.P.No.16562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16562 of 2022
and W.M.P.No.15846 of 2022

A/M Kailasanathar Koil,
Represented by its Managing Director,
Mr.Vaithilinga Mudaliar,
S/o.Murugesan,
Naduveerapattu,
Cuddalore Taluk, Cuddalore District.

... Petitioner

Vs.

1.The Collector,
Cuddalore District, Cuddalore.

2.The Tashildar, Cuddalore.

3.The Block Development Officer
Cuddalore.

4.The President,
Naduveerapattu Panchayat,
Naduveerapattu Village,
Cuddalore Taluk,
Cuddalore District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India praying for issuance of a Writ of Mandamus, directing the respondents 3 & 4 or their agents from in any manner interfering with possession of petitioner-temple in respect of new S.No.342/1, 0.4000 sq. metres and new S.No.342 / 4, 0.0257 sq. meters and old S.No.176/1 in Naduveerapattu Village, Cuddalore Taluk, Cuddalore District, except by due process of law.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.S.Rajesh
Government Advocate for R1 & R2

Mr.L.S.M.Hasan Fizal
AGP for R3

Mr.A.M.Ayyadyrai
Government Advocate for R4

ORDER

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 3 & 4 or their agents from in any manner interfering with possession of petitioner-temple in respect of new S.No.342/1, 0.4000 sq. metres and new S.No.342 / 4, 0.0257 sq. meters and old S.No.176/1 in Naduveerapattu Village, Cuddalore Taluk, Cuddalore District, except by due process of law.



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2.It is the case of the petitioner that the petitioner temple is the absolute owner of the property and they have also established its title in various Suits and upheld in S.A.No.238 of 2011. When the matter stood thus, on 29.04.2022, the respondents without any notice and flouting principles of natural justice, started to put up some constructions upon the property. Therefore, the petitioner has sent a representation dated 30.04.2022 to the respondents 1 to 3. Hence the petition.

3.Learned Government Advocate appearing for the respondents filed a report sent by the Block Development Officer dated 01.08.2022 in Na.Ka.No.A4/2357/2020. The report stated that the property belonged to the temple, it is a vacant land and there is no encroachment so far and the respondents have no proposal or whatsoever to put up construction and they will not put up any construction in the said property.

4.The report filed by the respondents, the Block Development Officer, dated 01.08.2022 is taken on record.



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5. Such view of the matter, no further order is required as the respondents themselves have admitted the title of the temple, the question of issuance of Mandamus does not arise.

6. This Writ Petition stands closed accordingly. Consequently, the connected miscellaneous petition is also closed. No costs.

09.12.2022

Index : Yes / No

Internet : Yes / No

Speaking / Non speaking order

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To

1. The Collector,
Cuddalore District, Cuddalore.

2. The Tashildar, Cuddalore.

3. The Block Development Officer
Cuddalore.

4. The President,
Naduveerapattu Panchayat,
Naduveerapattu Village,
Cuddalore Taluk,
Cuddalore District.



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N.SATHISH KUMAR, J.

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