



W.P.No.24729 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.24729 of 2022
and W.M.P.No.23667 of 2022

1 P.Shanmughavel ... Petitioner

Vs.

1 The District Collector,
Collectorate, Tiruvarur District,
Tiruvarur.

2 The Revenue Divisional Officer,
R.D.O. Office, Mannargudi.

3 The Commissioner of Municipality,
Thiruthuraipoondi Municipality,
Thiruthuraipoondi Post,
Tiruvarur District.

4 Vijayabaskar

5 The Executive Officer,
Sri Karpaganathaswamy Temple,
Karpaganatharkulam Village and Post,
Edumbavanam Via Thiruthuraipoondi Taluk,
Tiruvarur District. ...

Respondents



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Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments on the public approach road at Anna Nagar especially the encroachment made by the 4th respondent who has also encroached upon the temple land of the 5th respondent as well as the poromboke lands.

For Petitioner : Mr.A.Udhayachandiran
For Respondents 1&2 : Mr.P.Muthukumar, State Govt.Pleader
For Respondent No.3 : Mr.D.Ravichandran
For Respondent No.5 : Mr.N.R.R.Arun Natarajan, Spl.G.P.

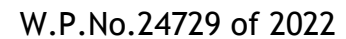
ORDER

(Delivered by **D.KRISHNAKUMAR, J.**)

The petitioner has filed the Writ petition for removal of encroachment of the property comprised in S.No.168/3 to an extent of 200 sq.ft. of temple land of the 5th respondent temple.

2. The learned State Government Pleader appearing for the respondents on instructions would submit that the property comprised in S.No.168/3 to an extent of 200 sq.ft. of land belongs to Arulmigu Karpaganadhaswamy Thirukkovil, 5th respondent herein. Therefore, appropriate authority is the Joint Commissioner, H.R.& C.E. Department to initiate action under Sec.78 of H.R.& C.E. Act.

3. Mr.Arun Natarajan, Special Government Pleader appearing for the 5th respondent has produced a letter from the 5th respondent addressed



4. Recording the aforesaid submissions made by the parties, we view that even though the Joint Commissioner, H.R.& C.E. is not a writ petition, based on the report submitted by the Executive Joint Commissioner, H.R.& C.E. Department shall take appropriate providing opportunities to the parties concerned. Insofar as the comprised in S.No.236/2, the petitioner has not mentioned the of the said land for removal of encroachment, we are not issue any direction to the authorities concerned for removal of nt in S.No.236/2. It is open to the petitioner to approach the concerned for removal of encroachment.



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With the above observations, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

(D.K.K.J.) (T.V.T.S.J.)
22.11.2022

Speaking/Non Speaking order

Index: Yes

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To

1. The Joint Commissioner, H.R.& C.E. Department
2. The District Collector, Collectorate, Tiruvarur District, Tiruvarur.
3. The Revenue Divisional Officer, R.D.O. Office, Mannargudi.
4. The Commissioner, Thiruthuraipoondi Municipality, Thiruthuraipoondi Post, Tiruvarur District.
5. The Executive Officer, Sri Karpaganathaswamy Temple, Karpaganatharkulam Village and Post, Edumbavanam Via Thiruthuraipoondi Taluk, Tiruvarur District.



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