



WEB COPY



W.P.No.1676 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1676 of 2018

and

W.M.P.No.2079 of 2018

Arulmigu Maari Amman and
Perumal Devasthanam,
Rep by its Trustee,
A.Iyyanar

... Petitioner

Vs.

1.The Commissioner,
HR & CE & Wakf Board,
Pettaiyan Chathiram,
Thilagar Nagar,
Puducherry – 605 009.

2.The Commissioner,
Uzhavarkarai Municipality Corporation,
Pavazha Nagar,
Puducherry – 605 009.

3.The Executive Engineer,
Drinage Sub-Division,
Public Work Department,
Puducherry – 1.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus forbearing the third respondent from laying road in the schedule property belongs to the petitioner temple.



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For Petitioner : Mr.S.Kingston Jerold
For Respondents : Ms.Akila Rajendran
Government Advocate

ORDER

This petition has been filed for issuance of writ of Mandamus forbearing the third respondent from laying road in the schedule mentioned property, which belongs to the petitioner temple.

2. The case of the petitioner is that the petitioner is a Trustee of Arulmighu Maari Amman and Perumal Devasthanam, Puducherry. The petitioner-Devasthanam has got property in R.S.No.26/1 Kadrasther No.1238 in Kounden Palayam Village to an extent of 27 acres or 50 Kuzhi 8 Veesam 'Kuttai' and in situated manai. The grievance of the petitioner is that the second and third respondents are making all efforts to lay road in the above survey number without the consent of the Temple. Hence, the petitioner made a complaint to the respondents and the respondents assured that they will not lay any road in the above said temple property. Contrary to the undertaking made by them, the respondents are now started to dump blue metal on the temple property and to lay road. Hence, the petitioner-temple is



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constrained to file this writ petition.

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3. The learned counsel for the petitioner submitted that the third respondent is trying to encroach upon the property, which belongs to the petitioner-Temple for the purpose of laying road, without following due process of law.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. Considering the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case, directs the respondents to not to interfere with the petitioner's/Temple property without following due process of law, if the property is belonged to the petitioner. However, it is open to the respondents to proceed with laying of road, if the land is classified as 'Government Poramboke' after due process.



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M.DHANDAPANI, J.

rsi

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking / Non speaking order
rsi

To

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