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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.43247 of 2016

and

W.M.P.No.37101 of 2016

G.Prasad

Dharmakatha-Arulmigu Mariamman Kovil

...Petitioner

Vs.

1. The District Collector,
Tiruvallur District, Tiruvallur

2. The Tahsildhar
Ponamalle Taluk,
Tiruvallur District.

3. M/s Golden Home Pvt Ltd,
Rep by its Director Mr.George Bala Singh,
Golden Cascade, AC-63,
5th Avenue, Anna Nagar,
Chennai-600 040, Tamilnadu

...Respondents

(R3 impleade vide order of this Court dated 13.04.2022 in
W.M.P.No.19368 of 2017)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to consider the petitioner's representation dated 04.11.2016 and thereby directing the respondents to measure and survey the land comprised in Survey No.86/2 and 96/2 of Keehmanagar Village, Ponnamlae Taluk, Tiruvallur District and file a report thereof.

For Petitioner : Mr.A.Kalaivanan

For Respondents : Mr.A.Anandan, GA, for R1 & 2



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 04.11.2016 and measure and survey the land comprised in Survey No.86/2 and 96/2 of Keehmanagar Village, Ponnamlae Taluk, Tiruvallur District.

2. The case of the petitioner is that, the land comprised in Survey Nos.86/2 and 96/2, measuring an extent of 83 cents situated at Keehmanagar Village belongs to Arulmigu Mariamman Temple and the revenue authorities have also issued patta in favour of the Temple. Whiles, a portion of the above said land, measuring an extent of 36 cents was illegally encroached by one Mr.George Bala Singh and he has placed the construction materials in the above said portion of land, which belongs to the Temple. Therefore, the petitioner made a complaint dated 03.09.2016 before the Government authorities with regard to the encroachment made in the temple land, however, no action has been initiated by them. Aggrieved by the inaction of the authorities, the executive members of the temple decided to identify the boundaries of the temple and have made an application dated 04.11.2016 before the 2nd respondent to that effect. However, till date, no orders have been passed on the same. Hence, the present Writ petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 04.11.2016 and survey the above said land and fix the boundaries as early as possible.

4. Learned Government Advocate appearing on behalf of the 1st and 2nd respondents has no serious objection for the said order being passed and he fairly conceded that the petitioner's representation dated 04.11.2016 will be considered and appropriate orders will be passed in accordance with law within the time stipulated by this Court.

5. In view of the above, this Court, without going into the merits of the case, issues direction to the 2nd respondent to consider the petitioner's representation dated 04.11.2016 on merits and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to



the petitioner and the private respondent.

6. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Tiruvallur District, Tiruvallur
2. The Tahsildhar
Poonamalle Taluk,
Tiruvallur District.

+1cc to Mr.P.K.Rajesh Praveen Kumar, Advocate, S.R.No.25579

+1cc to the Special Government Pleader, S.R.No.26539

W.P.No.43247 of 2016
and
W.M.P.No.37101 of 2016

SKM(CO)
SU(02/06/2022)