



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.2.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26791 of 2021

C.Adimoolam

.. Petitioner

vs

1.The District Collector, Ariyalur
District, Ariyalur.

2.The Revenue Divisional Officer,
Udayarpalayam, Ariyalur District.

3.The Tahsildar, Andimadam Taluk,
Ariyalur District.

4.Devaki

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in temple property in S.F.No.229/8, Nadupatti Ilaiyur, Koriyampatti Andimadam Taluk, Ariyalur District made by the 4th respondent by considering the petitioner's representation dated 23.9.2021 in accordance with law.

For Petitioner

: Mr.D.Lakshmipathy

For Respondents

: Mr.P.Muthukumar,
State Government Pleader
for R1 to R3
Mr.P.Valliappan for R4

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

We have heard the learned counsel appearing for the
respective parties.



2. The writ petition has been filed seeking a direction to respondents 1 to 3 to remove the encroachments allegedly made by the fourth respondent in the land belonging to a temple.

3. The learned State Government Pleader submits that the land in question does not belong to the temple, but it is a Government land. A part of the encroachment made by the fourth respondent in the land in question has already been removed and the writ petition has been filed otherwise having grudge against the fourth respondent.

4. The learned counsel appearing for the fourth respondent submits that without applying the provisions of the Tamil Nadu Land Encroachment Act, 1905, the official respondents should not have taken action to remove the encroachment. Now, for the portion, which is occupied by the fourth respondent, an application has been made for issuance of patta.

5. The learned counsel for the petitioner submits that as per the revenue records, the name of the temple is shown. If the land in question is a Government land, the encroachment should be removed by the official respondents by following the provisions of the Act of 1905.

6. We do not find any document to show the title in favour of the fourth respondent. However, to remove the encroachment, the official respondents need to apply the provisions of the Act of 1905 and shall cause a notice under Section 7, followed by a notice under Section 6 of the Act of 1905 for the removal of encroachment. Needful shall be done expeditiously though the fourth respondent would be having liberty to send a reply to the notice under Section 7 of the Act of 1905 and to take a remedy under Section 10 of the Act of 1905. It is made clear that the action shall be caused by the Competent Authority by applying independent mind to the facts of the case and in accordance with law.

7. With the above observations, the writ petition is disposed of. There will be no order as to costs.

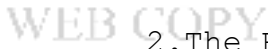
Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

RS



1. The District Collector,
Ariyalur District, Ariyalur.

3.The Tahsildar,
Andimadam Taluk,
Ariyalur District.

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