



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022
CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN
W.P. (MD) .No.4156 of 2022

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S.S.Haja Mohaiden

... Petitioner

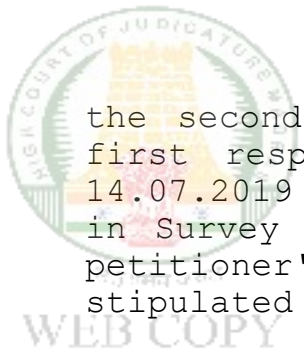
Vs.

- 1.The Commissioner,
HR and CE Department,
No.119, Uthamar Gandhi Road,
Chennai-34.
- 2.The Joint Commissioner,
HR and CE Department,
Thoothukudi.
- 3.The Assistant Commissioner,
HR and CE Department,
Tirunelveli.
- 4.The District Collector,
Collector Office,
Tenkasi District.
- 5.The Assistant Engineer,
Public Works Department
Irrigation,
Tenkasi.
- 6.The Managing Trustee,
Arulmigu Annamalai Nathar Temple,
Kadayanallur Town,
Tenkasi District.
- 7.K.M.Allah Pichai
- 8.The Executive Officer,
Arulmighu Annamalainathar Thirukoil,
Kadayanallur Town,
Kadayanallur Taluk,
Tenkasi District.

... Respondents

(R8 is *suo motu* impleaded as party respondent,
vide order, dated 22.03.2022, passed in W.P(MD)
No.4156 of 2022)

Prayer : Writ Petition filed under Article 226 of the Constitution
of India, praying this Court to issue a Writ of Mandamus, directing



the second and third respondents to comply the directions of the first respondent in his proceedings Na.Ka.No.7400/2019/N3, dated 14.07.2019 for removal of the road laid in the temple land situated in Survey No.41, Keelakulampuravu, Kadayanallur by considering the petitioner's representation, dated 20.01.2022 within the period stipulated by this Court.

For Petitioner : Mr.A.Sivasubramanian
For R-1 to R-5 : Mr.P.Subbaraj,
Special Government Pleader.
For R-6 : Mr.S.Madhavan

ORDER

The writ petition has been filed for a writ of Mandamus, directing the second and third respondents to comply the directions of the first respondent in his proceedings Na.Ka.No.7400/2019/N3, dated 14.07.2019 for removal of the road laid in the temple land situated in Survey No.41, Keelakulampuravu, Kadayanallur by considering the petitioner's representation, dated 20.01.2022.

2. The Executive Officer, Arulmighu Annamalainathar Thirukoil, Kadayanallur Town, Kadayanallur Taluk, Tenkasi District, is *suo motu* impleaded as eighth respondent.

3. This writ petition is disposed of after hearing the learned Counsel for the petitioner and the respondents. It is noticed that, after the writ petition was filed on 04.03.2022, the first respondent has now appointed an Executive Officer by order, dated 15.03.2022, of the sixth respondent temple. The sixth respondent had earlier given an undertaking to remove the road on 03.04.2019. The first respondent by an intimation, dated 14.07.2019 had also directed the authorities to comply with the directions of this Court and to give a report. Since, the present writ petition is only filed for a Mandamus to direct the second and third respondents to comply with the directions of the first respondent for removal of the road laid down in the temple land and situated in Survey No.41, Survey Petition, dated 20.01.2022, I am inclined to dispose of with the writ petition directing the eight respondent Executive Officer appointed by the first respondent on 15.03.2022 to take appropriate steps.

4. It is needless to state that before taking such steps, all the parties, who are likely to be affected, will have to be heard by issuing appropriate notice. Entire exercise shall be carried out by the Executive Officer, who has been impleaded as eight respondent by this Court today. Before appropriate orders are effected, necessary steps should be taken by the Executive Officer.



5. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

btr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner,
HR and CE Department,
No.119, Uthamar Gandhi Road,
Chennai-34.
- 2.The Joint Commissioner,
HR and CE Department,
Thoothukudi.
- 3.The Assistant Commissioner,
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- 4.The District Collector,
Collector Office,
Tenkasi District.
- 5.The Assistant Engineer,
Public Works Department
Irrigation,
Tenkasi.
- 6.The Executive Officer,
Arulmighu Annamalainathar Thirukoil,
Kadayanallur Town,
Kadayanallur Taluk,
Tenkasi District.



+1 CC to M/s.SPL GP (SR-13856[F] dated 23/03/2022)

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-13967[F] dated 23/03/2022)

**W.P. (MD) .No.4156 of 2022
22.03.2022**

RK(04/04/2022) 4P 9C