



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5128 of 2022

and

W.M.P.[MD]No.4174 of 2022

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Arulmigu Veera Maakailiamman Thirukovil,
Rep. by its The Executive Officer,
Athaloor, Peravurani Taluk,
Thanjavur District.

... Petitioner

/Vs./

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Peravurani Taluk, Thanjavur.
- 3.The Inspector of Police,
Peravurani Police Station,
Peravurani Taluk, Thanjavur.
- 4.Thaatchayini
- 5.Muthuvel
- 6.Kalaiyarasi
- 7.Veeramuthu
- 8.Beer Mohammed
- 9.The District Revenue Officer,
Thanjavur District.

... Respondents

[R9 is suo motu impleaded vide order of this Court dated 23.03.2022.]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to stop the construction work of private individuals in Survey No.386/1A1, 385/2 and 87 and etc., which originally belongs to the Arulmigu Veera Maakailiamman Thirukovil situated at Athaloor, Peravurani Taluk, Thanjavur District with effect to the complaint filed by the petitioner dated 16.03.2022 and to destroy the buildings illegally constructed in the Thirukovil land and to handover the lands to the Thirukovil.

For Petitioner : Mr.Ramesh Mahadev
For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 3 to stop the construction work of private individuals in Survey No.386/1A1, 385/2 and 87 and etc., which originally belong to the Arulmigu Veera Maakailiamman Thirukovil situated at Athaloor, Peravurani Taluk, Thanjavur District, based on the petitioner's complaint dated 16.03.2022, within a time frame to be fixed by this Court.

2.It is the contention of the petitioner that the aforementioned lands are absolutely owned by the petitioner/temple and they are also having a patta in their name for the subject property. However, according to the petitioner, the private respondents as well as other parties have encroached upon the petitioner's property and started putting up a construction. Therefore, the petitioner has given a representation/complaint to the official respondents calling upon them to prevent the private respondents from putting up the construction and also to destroy the existing construction. Since the representation/complaint has not been considered till date, the petitioner has filed this writ petition.

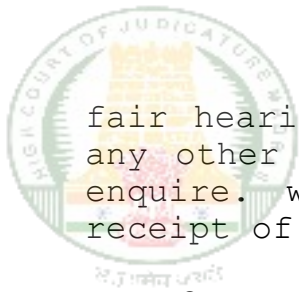
3.Heard Mr.Ramesh Mahadev, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the official respondents.

4.The learned Additional Government Pleader appearing on behalf of the official respondents, on instructions, would submit that based on the petitioner's representation/complaint, proceedings have already been initiated against the private respondents as well as other alleged encroachers. The said statement is recorded.

5.Since the proceedings have already been initiated, no prejudice would be caused to the District Revenue Officer, Thanjavur District, who is enquiring in the matter, if the representation/complaint of the petitioner referred to supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the private respondents as well as any other necessary party, whom the District Revenue Officer, Thanjavur District, deems fit to enquire.

6.Since the District Revenue Officer, Thanjavur District, is enquiring into the matter, the District Revenue Officer, Thanjavur District, is suo-motu impleaded as ninth respondent in this writ petition.

7.Accordingly, this Court directs the ninth respondent to pass final orders on the petitioner's representation/complaint dated 16.03.2022, on merits and in accordance with law, after affording a



fair hearing to the petitioner, the private respondents as well as any other necessary party, whom the ninth respondent deems fit to enquire. within a period of three [3] months from the date of receipt of a copy of this order.

8. In case, in the final order to be passed, the ninth respondent comes to the conclusion that the private respondents herein have encroached upon the petitioner's lands, he shall initiate action for demolition of the unauthorized construction and also for convicting the encroachers by following the procedure established under law.

9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: Registry is directed to carry out necessary amendment in the cause title with regard to suo-motu impleadment.

To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Tahsildar,
Peravurani Taluk, Thanjavur.
3. The Inspector of Police,
Peravurani Police Station,
Peravurani Taluk, Thanjavur.
4. The District Revenue Officer,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-14237[F] dated 24/03/2022)

W.P. [MD]No.5128 of 2022

Dated:

23.03.2022