



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.6537 of 2022

Arulmigu Thekkamalai Swamy Temple,
rep. by its Deputy Secretary,
K.Prakash

.. Petitioner

Vs

1.The District Collector,
Karur, Karur District.

2.The Tahsildar,
Karur Taluk,
Karur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to permit the petitioner to put up fence around the Arulmigu Thekkamalai Swamy Temple, situated at S.No.290, Upidamangalam Village, Karur Taluk, Karur District, by considering the petitioner's representation, dated 08.11.2021.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents herein to permit the petitioner to put up a fence around the Arulmigu Thekkamalai Swamy Temple, situated at S.No.290, Upidamangalam Village, Karur Taluk, Karur District, by considering the petitioner's representation, dated 08.11.2021, within a time frame to be fixed by this Court.

2.According to the petitioner, they are the absolute owner of the aforementioned property. According to them, there is a TASMAL shop near the property and therefore, they want to fence the property. It is their contention that certain miscreants are causing nuisance and therefore, it is their case that there is a problem in erecting the fence. In such circumstances, they have given a representation to the respondents on 08.11.2021. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.P.Samuel Gunasingh, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



4.The petitioner has filed documents in support of their contention that they are the absolute owner of the property comprised in S.No.290, Upidamangalam Village, Karur Taluk, Karur District. It is for the respondents to examine the same and has to decide as to whether the petitioner is the absolute owner. The petitioner is desirous of erecting a fence in their property to prevent the miscreants entering into their property without permission. It is also the contention of the petitioner that there is a TASMAL Bar near by and due to the same, they face nuisance. They have given a representation, dated 08.11.2021, to the respondents stating the difficulty in erecting a compound wall on their own and therefore, they have sought for their assistance.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the second respondent deems fit to enquire.

6.Accordingly, this court directs the second respondent to consider the petitioner's representation, dated 08.11.2021, seeking permission to put up a fence around the Arulmigu Thekkamalai Swamy Temple, situated at S.No.290, Upidamangalam Village, Karur Taluk, Karur District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the second respondent deems fit to enquire, including granting them the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Karur, Karur District.

2.The Tahsildar,
Karur Taluk,
Karur District.

+1 CC to M/s.SPL.GP (SR-17951[F] dated 11/04/2022)

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08.04.2022

KS (CO)

GC (21.04.2022) 3P 4C