



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.6625 of 2022

R.Tamilarasi

... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The Sub - Collector / Revenue Divisional Officer,
Thamaraikulam, Periyakulam, Theni District.

3.The Thasildhar,
Taluk Office, Periyakulam, Theni District.

4.The Executive Engineer,
Public Works Department, Manjalar Basin Division,
Periyakulam, Periyakulam Taluk, Theni District.

5.The Inspector of Police,
Devadanapatti Police Station, Theni District.

6.Renukadevi ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to remove the unlawful obstruction and nuisance made in the S.Nos.1631/1, 1630/1, 1630/2A, 1630/3 and 1630/4 situated at Devadanapatti, Periyakulam Taluk, Theni District which are Cart-Track, Canal and the Government Vacant Land as it is used by the public to go to the temple, Arulmigu Sri Paluthu Iyyanar Temple situated in S.No.1628 situated at Devadanapatti, Periyakulam Taluk, Theni District.

For Petitioner :Mr.R.Murugappan

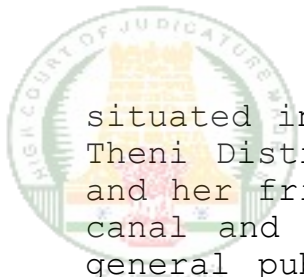
For R1 to R5 :Mr.B.Saravanan

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to remove the alleged unlawful obstruction and nuisance caused by the sixth respondent and her friends made in S.Nos.1631/1, 1630/1, 1630/2A, 1630/3 and 1630/4 situated at Devadanapatti, Periyakulam Taluk, Theni District.

2.According to the petitioner, the aforementioned properties are cart track, canal and Government vacant land used by the public to go the temple, namely, Arulmigu Sri Paluthu Iyyanar Temple



situated in S.No.1628 situated at Devadanapatti, Periyakulam Taluk, Theni District. According to the petitioner, the sixth respondent and her friends are causing nuisance by obstructing the cart track, canal and Government vacant land disabling the petitioner and the general public to go the temple without any disturbance. In such circumstances, the petitioner has given a representation on 24.03.2022 to the second respondent requesting them to take action against the sixth respondent. Since the said representation has not been considered till date, the petitioner has filed this Writ Petition.

3.Heard Mr.R.Murugappan, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 5.

4.The learned Additional Government Pleader, on instructions, would submit that the petitioner's representation has already been taken on file and the fourth respondent has already passed proceedings to conduct survey of the subject property. The said statement is recorded.

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 the sixth respondent as well as any other necessary party whom the second respondent deems fit to enquire.

6.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 24.03.2022 seeking for taking action against the sixth respondent and her friends for obstructing and causing nuisance in respect of cart track, canal and Government vacant land in S.Nos.1631/1, 1630/1, 1630/2A, 1630/3 and 1630/4 situated at Devadanapatti, Periyakulam Taluk, Theni District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the sixth respondent as well as any other necessary party whom the second respondent deems fit to enquire, 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.

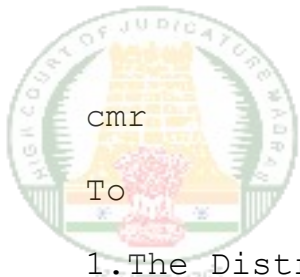
Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)



1.The District Collector,
Theni District, Theni.

2.The Sub - Collector / Revenue Divisional Officer,
Thamaraikulam, Periyakulam, Theni District.

3.The Thasildhar,
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Periyakulam, Periyakulam Taluk, Theni District.

5.The Inspector of Police,
Devadanapatti Police Station, Theni District.

+1 CC to M/s.R. MURUGAPPAN, Advocate (SR-19226[F] dated
19/04/2022)

+1 CC to M/s.SPL.GP. (SR-19153[F] dated 18/04/2022)

W.P. (MD)No.6625 of 2022
13.04.2022

VR(CO)
KB(22.04.2022) 3P 8C