



W.P(MD)No.11788 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.11788 of 2021

K.Ganapathy

... Petitioner

VS.

1.The District Collector,
Madurai District, Madurai.

2.The Divisional Engineer,
State Highways Department,
Madurai.

3.The Assistant Executive Engineer
cum Assistant Divisional Engineer,
Stone Highways Department,
Office of the Assistant Divisional Engineer,
Peraiyur, Madurai District.

4.Palpandi

5.Perumal

... Respondents

PRAYER : Writ 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 encroachments made by the respondents 4 and 5 and others in the Mangalarave to Elumalai State Highways Road in Survey No.33 situated at Kudiseri Village, Peraiyur Taluk, Madurai District.

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For Petitioner : Mr.R.Saravana Kumar
For RR 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader
For RR 4 & 5 : No appearance

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 and 5 and others in the Mangalarave to Elumalai State Highways Road in Survey No.33 situated at Kudiseri Village, Peraiyur Taluk, Madurai District.

2. Earlier the petitioner filed a Writ Petition in W.P(MD)No.12128 of 2012, seeking removal of the aforesaid encroachment and this Court, by order, dated 31.07.2017, disposed of the said Writ Petition directing the first respondent therein, to remove the shed with asbestos roofing that has been erected in front of the Temple structure. It was further directed that the



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Temple structure shall not be disturbed by the first respondent and the first respondent shall cause removal of the extended portion that is in the form of a shed with asbestos roofing and steel pillars. According to the petitioner, the said order was not complied with. Hence, the petitioner made a representation, dated 19.04.2021 to the official respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that subsequent to the filing of the Writ Petition and pursuant to the direction of this Court, the extended portion of the Temple with asbestos roofing has been removed and the authorities concerned have also affirmed that if for any future development activities by the Government, the Temple will be removed, if necessary.



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4. Recording the abovesaid submission of the learned Special Government Pleader, this Writ Petition stands closed. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
09.11.2022

Index : Yes / No

Internet : Yes

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To

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Office of the Assistant Divisional Engineer,
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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
W.P(MD)No.11788 of 2021**

09.11.2022