



W.P.(MD) No.18701 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.18701 of 2020
and W.M.P.(MD)No.15635 of 2020

K.Thilipkumar

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.
- 3.The Executive Officer,
Cholapuram Town Panchayat,
Kumbakonam Taluk, Thanjavur District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Kumbakonam, Thanjavur District.



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5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department,
Ayikulam Road, Kumbakonam Taluk,
Thanjavur District.

6.The Executive Officer (Incharge),
Arulmigu Kailasanathar Temple,
Mariamman Kovil Street,
Cholapuram,
Office at Sundareshwarar Temple,
Koranattu Karuppur,
Kumbakonam Taluk,
Thanjavur District.

7.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Cholapuram,
Kumbakonam Taluk,
Thanjavur District.

8.Paneerselvam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 7 to take action on the unauthorized construction made by the 8th respondent in S.F.No. 234/3 at Cholapuram Village, Kumbakonam Taluk, Thanjavur District in Ryotwari Punjai Land, based on the petitioner's representation dated 26.11.2020.



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For Petitioner : Mr.AN.Ramanathan
For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 to R4

Mr.P.Subbaraj,
Spl. Govt. Pleader for R5

Mr.V.Chandrasekar for R6
Mr.S.Deenadhayalan for R7
Mr.M.Karunanithi for R8

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 7 to take action on the unauthorized construction made by the 8th respondent in Ryotwari Punjai Land in S.F.No. 234/3 at Cholapuram Village, Kumbakonam Taluk, Thanjavur District, based on the petitioner's representation dated 26.11.2020.

2. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 4, relying upon the



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counter affidavit filed by the fifth respondent dated 01.04.2021, submitted that the property in S.No.234/3 is classified as Ryatwari Punja in the revenue records and it belongs to the sixth respondent temple. The said survey number is encroached upon by 8 persons. The sixth respondent also submitted a proposal dated 18.12.2020 for taking action under Sections 78 and 79 of the HR & CE Act against those 8 persons, based on which the Joint Commissioner has initiated proceedings for removal of encroachment and it is pending. He further submitted that the aforesaid encroachment by 8 persons in S.No.234/3 will be removed by the authorities concerned within a time frame, by due process of law, for which, the learned counsel for the petitioner is agreeable.

3. Recording the same, this Writ Petition is disposed of with a direction to the authorities concerned to remove the encroachment in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. Further, the Joint Commissioner, Mayiladurai is directed to dispose of the



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petition filed by the sixth respondent under Sections 78 and 79 of TN HR & CE Act, 2006, if not disposed of earlier. No costs. Consequently, connected miscellaneous petition is closed.

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

vsm

16.11.2022

To

- 1.The District Collector,
Thanjavur District, Thanjavur.
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Thanjavur District.
- 3.The Executive Officer,
Cholapuram Town Panchayat,
Kumbakonam Taluk, Thanjavur District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Kumbakonam, Thanjavur District.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
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vsm

- 6.The Executive Officer (Incharge),
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Mariamman Kovil Street,
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Office at Sundareshwarar Temple,
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