



W.P.(MD) No.18475 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.18475 of 2018

Kasi Nadar

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Kanyakumari,
Kanyakumari District, Nagercoil – 01.
- 3.The Tahsildar,
Agateeswaram Taluk,
Kanyakumari District,
Nagercoil – 629 001.
- 4.Rajalakshmi



WEB CRYM 5.Rukmani

W.P.(MD) No.18475 of 2018

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by respondents 4 and 5 in Survey No.455/12, 12-B, which belongs to the Vijayanarayanapuram oor, Narayanaswamy Temple situated at Vijayanarayanapuram, Leepuram Post, Kanyakumari District by considering the representation dated 08.01.2018.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 to R3
Mr.M.P.Senthil for R4 & R5

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 3 to remove the encroachments made by respondents 4 and 5 in Survey Nos.455/12, 12-B, which belong to the



W.P.(MD) No.18475 of 2018

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Narayanaswamy Temple situated at Vijayanarayanapuram, Leepuram Post, Kanyakumari District, by considering the petitioner's representation dated 08.01.2018.

2. It is the case of the petitioner that the respondents 4 and 5 have encroached the temple land in the aforesaid survey numbers. In this regard, though the petitioner made a representation on 08.01.2018 to the first respondent to remove the said encroachment, till date no steps have been taken by the first respondent . Hence, the petitioner has filed this Writ Petition.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner would submit that it would suffice, if the representation of the petitioner dated 08.01.2018 is disposed of within a time frame.

4. The learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the representation of the petitioner dated



W.P.(MD) No.18475 of 2018

08.01.2018 will be considered and appropriate action will be taken for removal of the encroachments, if any.

5. In view of the above submissions, this Writ Petition is disposed of with a direction to the official respondents to consider the representation of the petitioner dated 08.01.2018, if not considered earlier on merits and in accordance with law and if there is any encroachments, the authorities concerned shall remove the same, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

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

vsm

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W.P.(MD) No.18475 of 2018

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R.MAHADEVAN, J.



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W.P.(MD) No.18475 of 2018

and
J.SATHYA NARAYANA PRASAD, J.

vsm

W.P.(MD) No.18475 of 2018

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