



W.P.(MD) No.21991 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21991 of 2018

1.K.Venkatachalam

2.K.Sankar

... Petitioners

-Vs-

1.The Tahsildar,

Ramanathapuram Taluk,

Ramanathapuram.

2.The Chief Inspector Land Survey,

Land Survey Division,

Ramanathapuram Municipality,

Ramanathapuram.

3.The Commissioner,

Ramanathapuram Municipality, Ramanathapuram.

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4.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

5.The Deputy Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

6.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

7.Arulmighu Thirowpathi Amman Kovil,
Rep. by its President of Administrative Committee,
Velipattinam,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 and 6 to proceed with the enquiry and consider the Petitioners' complaint dated 09.07.2018 in respect of the encroachment made by the 7th Respondent temple in respect of the property bearing T.S.Nos.97 & 98, Velipattinam, Ramanathapuram.

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For Petitioners : Mr.R.J.Karthick
For R1 & R2 : Mr.N.GA.Nataraj
Government Advocate
For R3 : Mr.A.Kannan
For R4 to R6 : Mr.T.Senthil Kumar
Additional Public Prosecutor
For R7 : Mr.K.Radhakrishnan

ORDER

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

This Writ Petition has been filed, seeking a direction to the respondents 1 and 6 to proceed with the enquiry and consider the petitioners' complaint dated 09.07.2018 in respect of the encroachment made by the 7th Respondent temple in respect of the property bearing T.S.Nos.97 & 98, Velipattinam, Ramanathapuram.

2.According to the petitioners, the land in question belongs to them, wherein they are running a rice mill. Adjacent to the same, there is a Oorani, which was occupied by the local public. The grievance of the petitioner is that the 7th respondent temple encroached some portion of Oorani and put up a

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bathroom. Hence, the petitioners made a complaint to the 1st respondent dated 09.07.2018, seeking police protection to construct a compound wall and remove the encroachment made by the 7th respondent. After verifying the revenue records, the 1st respondent has forwarded the same to the 6th respondent for taking appropriate action. In the meantime, the 7th respondent temple filed W.P. (MD)No.1838 of 2018, seeking a direction not to interfere with the civil dispute between the petitioners and the 7th respondent, wherein, this Court has passed an order dated 15.02.2018, directing the respondent police not to entertain any complaint with regard to the Oorani in question or lands appurtenance thereto, in the light of the order passed in W.P.(MD)Nos.9661 of 2016 and 22657 of 2017. Citing the said order, the respondent police are refusing to entertain the complaint made by the petitioners dated 09.07.2018. Hence, this Writ Petition.

3.The learned Additional Public Prosecutor for the respondents 4 to 6 would submit that the complaint of the petitioners dated 09.07.2018 will be taken into account and necessary action will be taken within a time frame to be fixed by this Court.

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4.In view of the above said submission, without going into the merits of the claim made by the petitioners, we direct the official respondents to consider the complaint made by the petitioners dated 09.07.2018 on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after giving sufficient 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.

5.With the above direction, this Writ Petition stands disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

Myr

To:

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