



W.P.(MD) No.26292 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

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

**W.P.(MD) No.26292 of 2022
and
W.M.P.(MD) No.20468 of 2022**

V.Kalaiselvan

... Petitioner

-VS-

- 1.The District Collector
Kanyakumari District
at Nagercoil
- 2.The District Revenue Officer
Kanyakumari District
at Nagercoil
- 3.The Revenue Divisional Officer
Padmanabhapuram
Thuckalay
Kanyakumari District
- 4.The Tahsildar
Kalkulam Taluk
Thuckalay
Kanyakumari District



W.P.(MD) No.26292 of 2022

WEB COPY

5.The Commissioner
Padmanabhapuram Municipality
No.15-60, Palace Road
Thuckalay, Kanyakumari District

6.The Chairman
Padmanabhapuram Municipality
No.15-60, Palace Road
Thuckalay, Kanyakumari District

7.The Joint Commissioner / Executive Officer
Kanyakumari District Temples
(Hindu Religious and Charitable
and Endowments Department)
Head Quarters at Suchindrum
Kanyakumari District

8.The Assistant Commissioner
Administration Department
HR & CE Nagercoil
Kanyakumari District

9.The Manager
Arulmigu Neelakanta Swamy Thirukkovil
Keezhakkulam
Padmanabhapuram
Kalkulam Taluk
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 8 to forbear from carrying on any construction activities on the temple lands, more particularly, near the steps of the temple tank of Arulmigu Neelakanta Swamy Thirukkovil,



W.P.(MD) No.26292 of 2022

comprised in Survey No.83, Padmanabapuram Village, Kalkulam Taluk, Kanyakumari District, by considering the representation of the petitioner dated 29.08.2022.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.P.Subbaraj
Special Government Pleader for R1 to R4 & R6
Mr.K.Sathiya Singh for R7 & R9

ORDER

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

Mr.P.Subbaraj, learned Special Government Pleader, takes notice for the respondents 1 to 4 & 6 and Mr.K.Sathiya Singh, learned counsel, takes notice for the respondents 7 & 9.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the respondents 5 & 8 is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



W.P.(MD) No.26292 of 2022

WEB COPY

4. The prayer in the writ petition is for issuance of a writ of mandamus forbearing the respondents 1 to 8 from carrying on any construction activities in the temple lands, more particularly, near the steps of the temple tank of Arulmigu Neelakanta Swamy Thirukkivil, comprised in Survey No.83 of Padmanabapuram Village, Kalkulam Taluk, Kanyakumari District, based on the petitioner's representation dated 29.08.2022

5. The grievance of the petitioner is that though he made a representation, as early as on 29.08.2022, to the respondents seeking not to construct a building for library near the steps of the temple tank, till date the same has not been considered.

6. The learned Special Government Pleader appearing for the respondents 1 to 4 & 6, on instructions, submitted that the petitioner's representation, dated 29.08.2022 would be considered and appropriate action would be taken, in accordance with law.

7. In view of the above, without going into the merits of the claim made by the petitioner, the respondents are directed to consider the petitioner's representation dated 29.08.2022 and pass appropriate orders, if



W.P.(MD) No.26292 of 2022

not already disposed of, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Until a decision is taken by the authority concerned, all further construction activities of the library building shall be kept in abeyance.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

22.11.2022

Index : Yes / No

Internet : Yes / No

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- 3.The Revenue Divisional Officer,
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W.P.(MD) No.26292 of 2022

WEB COPY

- 4.The Tahsildar,
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W.P.(MD) No.26292 of 2022

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