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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27328 of 2022
and
W.M.P.(MD)No.21439 of 2022

R.Baskaran ... Petitioner

-Vs-

1.The District Collector,
O/o. The District Collector,
Sivagangai District, Sivagangai.

2.The Assistant Director of Panchayat,
Sivagangai District, Sivagangai.

3.The Block Development Officer,
Sivagangai District, Sivagangai.

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4.The Tahsildar,
Sivagangai District,
Sivagangai.

5.The Panchayat President,
Namanoor Panchayat,
Sivagangai District, Sivagangai. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from constructing overhead tank in temple land, namely, Amman temple at Survey Nos.441/5 and 441/7 situated at Namanoor Village, Sivagangai District by considering the petitioner's representations dated 17.10.2022 and 31.10.2022 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan
For R1, R2 & R4 : Mr.P.Thilak Kumar,
Government Pleader
For R3 & R5 : Mr.V.Nirmal Kumar,
Government Advocate

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ORDER

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

This Writ Petition is filed for issuance of Writ of Mandamus, forbearing the respondents from constructing overhead tank in temple land, namely, Amman temple at Survey Nos.441/5 and 441/7 situated at Namanoor Village, Sivagangai District by considering the petitioner's representations dated 17.10.2022 and 31.10.2022 within a time frame.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1, 2 and 4 and Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents 3 and 5.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The learned Government Pleader appearing for the respondents 1, 2 and 4, on instructions, submitted that construction of over head tank is not in the temple property as projected by the petitioner. In support of his contention, he

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has produced the revenue records along with FMB sketch, wherein the lands in question are specifically mentioned as Government vacant lands, which is stoutly refuted by the learned counsel for the petitioner.

5.In view of the above, this Writ Petition stands disposed of, leaving it open to the petitioner to approach the authorities concerned, if the submission made by the learned Government Pleader before this Court appears to be wrong. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]
01.12.2022

Index : Yes / No
Internet : Yes / No
Myr
To

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O/o. The District Collector,
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R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

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