



W.P.No.11121 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

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R.Manirajan ... Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer,
Namakkal District,
Namakkal.

3.The Tahsildar,
Tiruchengode,
Namakkal District.
Namakkal.

4.R.Latha ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representations dated 06.02.2017 and 09.11.2017 seeking action to remove the building put up unauthorisedly by the fourth respondent encroaching the Government land in S.No.156/4 in Marapparai Village, Tiruchengode Taluk, Namakkal District.



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For petitioner : Mr.R.Ramachandran
For respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

The petitioner claims to be a devotee of Sri Annamar Koil situated at Thiruchengode Main Road in Marapparai Village, Vaiyappamalai, Thirugengode Taluk, Namakkal District. It is stated in the affidavit filed in support of this writ petition that the devotees used to take 'Theerthakudams' on the 18th day of Tamil month 'Adi' and on the said day, they go round the temple and place the theerthakudams before the deity and perform the poojas. The petitioner's grievance is that the fourth respondent has encroached the adjacent Government land in S.No.156/4 by putting up construction unauthorisedly and thereby, extended disturbance to the devotees, who go around the temple to make the prayers fulfilled. Pointing out the same, the petitioner along with villagers, made a representation to the third respondent on 06.02.2017, requesting to remove the encroachment made by the fourth respondent. Finding no response on the same, another representation dated 09.11.2017, came to be submitted to the respondent authorities in this regard. However, no action has been taken on the same. Therefore, the petitioner has come up with this writ petition for issuance of



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a writ of mandamus, directing the respondents 1 to 3 to remove the building unauthorisedly put up by the fourth respondent encroaching the Government land in S.No.156/4 in Marapparai Village, Tiruchengode Taluk, Namakkal District.

2. When the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondents fairly submitted that the respondent authorities would consider the representations of the petitioner dated 06.02.2017 and 09.11.2017, if not considered earlier, and pass orders, on merits, within a time frame to be stipulated by this court.

3. In view of the above, this court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representations dated 06.02.2017 and 09.11.2017, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned including the petitioner and the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed, after following due process of law.



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4. With the above directions, this writ petition stands disposed of. No costs.

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[R.M.D,J.] [M.S.Q, J.]
20.02.2023

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Speaking Order /Non-speaking order

Internet : Yes.

Index : Yes / No

To

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