



W.P.No.13235 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.13235 of 2023

Periyasamy

.. Petitioner

Vs

- 1.The Collector,
Kallakurichi District,
Kallakurichi.
- 2.The Revenue Divisional Officer,
Kallakurichi District,
Kallakurichi.
- 3.The Tahsildar,
Kallakurichi Taluk Office,
Kallakurichi.
- 4.The Deputy Commissioner,
HR & CE Department,
Thirukovilur Taluk,
Kallakurichi District.
- 5.The Inspector of Police,
Kachirayapalayam Police Station,
Kachirayapalayam,
Kallakurichi District.



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6.Velu
7.Selvarasu
8.Lakshmi
9.Velankanni

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 9 in S.No.24/10, Kudiraichandal Village, Kallakurichi District to an extent of 1 Acre and 10 Cent which is belonged to Vadichayi, Pachaiaamman Temple by considering the representation made by the petitioner dated 17.7.2021.

For the Petitioner	: Mr.Durai Vaiyapuri for Mr.K.A.Prabaharan
For the Respondents	: Mr.J.Ravindran Addl. Advocate General assisted by Mr.A.Selvendran Spl. Government Pleader for respondents 1 to 3 & 5
	: Mr.N.R.R.Arun Natarajan Spl. G.P. (HR & CE) for respondent No.4

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.Durai Vaiyapuri, learned counsel for the petitioner;
Mr.J.Ravindran, learned Additional Advocate General, assisted by



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Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 3 and 5; and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for the fourth respondent.

2. The petitioner alleges encroachment on the temple land by respondents 6 to 9.

3. Learned Additional Advocate General, on instructions, makes a statement that survey was conducted and, in the survey, it was found that respondents 6 to 8 have not encroached upon the land in question, however, the ninth respondent has encroached to a small extent.

4. It is also not clear from the documents on record as to whether the temple in question is a public trust or otherwise. It appears that disputed questions of fact exist. In that event, it would not be appropriate for us to invoke our writ jurisdiction under Article 226 of the Constitution of India. The petitioner may take appropriate steps before the Civil Court or before such other authority as may be permissible under law. In that event, all the contentions of the



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respective parties are kept open.

5. Accordingly, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., C.J.) (P.D.A., J.)
01.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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