



W.P.No.14810 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.14810 of 2023
and WMPNo.14364 of 2023

M.Thirumal

...Petitioner

Vs.

1. The District Collector,
The District Collectorate,
M.B.T.Road, Bharathi Nagar,
Ranipet District - 632 401
2. The Revenue Divisional Officer,
Arakonam Revenue Division,
Arakonam, Ranipettai District - 609 003
3. The Tahsildhar,
Nemili Taluk,
Nemili, Ranipet District - 631 051
4. The Block Development Officer,
Nemili Taluk,
Nemili, Ranipet District 631 051

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st



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respondent to consider the representation of the petitioner dated 06.03.2023.

For Petitioner : Mr.B.Kannan
For Respondent : Mr.S.Arumugam
Government Advocate for
R1 to R3
MR.C.Jayaprakash for R4

ORDER

This writ petition has been filed by the Thakkar of Arulmigu Somanathaeashwerar Temple at Mahendravadi Village, Ranipet District, seeking for a direction to the 1st respondent to consider the representation made by the petitioner on 06.03.2023 and to deal with the same and take a decision within the time frame fixed by this Court.

2. The case of the petitioner is that the subject temple is in existence for a very long period of time and the revenue authorities as well as the Local body is very well aware about the existence of this temple. According to the petitioner, the temple is situated in RS No.379 with an extent of 0.48 hectares.



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3. The grievance of the petitioner is that on 11.02.2023, officers belonging to the revenue department came to the site and started surveying the land. When they were enquired, the petitioner came to know that there is a proposal for the construction of a school building in the premises where the temple is situated. In view of the same, the petitioner gave a representation dated 06.03.2023 to the 1st respondent complaining about the attempt made by the revenue authorities to put up a school building in the temple premises. Since the same was not considered, the present writ petition has been filed before this Court.

4. The learned Government Advocate appearing on behalf of respondents submitted that the apprehension raised by the petitioner is unfounded. For proper appreciation of the activity that is actually going on in the disputed property, the photographs were produced before this Court. That apart, the



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copy of the A Dairy extract was also produced before this Court to demonstrate the fact that Survey N.37 has been categorized as a “Arasu Poramboke Nilam”. The learned Government Advocate further submitted that there was already an existing school building adjacent to the temple and this building became old and dilapidated and hence, steps were taken to demolish and construct a new school building. The learned Government Advocate appearing on behalf of 4th respondent submitted that the tender was called for and the work has been handed over to the successful bidder and the value of the work is to the tune of Rs.32,00,000/-.

5. The learned counsel for the petitioner in reply to the submissions made by the learned Government Advocate submitted that an attempt is being made to encroach upon the temple land also and that is why the petitioner had knocked the doors of this Court.



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6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. It is apparent from the revenue records that is produced before this Court that Survey No.379 has been categorized as a “Arasu Poramboke Nilam”. The respondents also do not deny the fact that there is an old temple in existence. However, from the photographs that have been produced, it is seen that adjacent to the temple premises, there is an existing old building which was put to use as a school. This building is sought to be demolished in order to put up a new construction. There is a compound wall that separates the temple premises and the old existing building. It is also made very clear on the side of the respondents, based on instructions that the construction is going to be put up only by demolishing the existing structure. In view of the same, the apprehension raised by the petitioner has been sufficiently taken care of.



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8. In the light of the above discussion, the respondents can proceed further to carry out the demolition/ reconstruction of the building in the place of the original building which is now in a dilapidated condition. It will suffice if this clarity is given.

9. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

05.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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N.ANAND VENKATESH.,J
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To
1. The District Collector,
The District Collectorate,



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