



W.P. No.14881 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

and

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.14881 of 2019 & W.M.P. Nos.14866 & 23973 of 2019

Palaniappan

Petitioner

v

- 1 The District Collector
Office of the District Collector
Salem District
Salem
- 2 The Tahsildar
Office of the Tahsildar
Mettur Taluk
Mettur Dam 636 401
Salem District
- 3 The Block Development Officer
Kolathur Panchayat Union
Kolathur 636 303
Mettur Taluk
Salem District
- 4 Saravanan
- 5 Rajamanickam
- 6 Singaravel
- 7 Sakthivel

8 Dhanalakshmi



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9 M. Mageshwari

10 V. Jeyanthi

11 R. Latha

12 R. Uma Mageshwari

13 R. Naveena

14 S. Sathya

15 S. Seetha

16 S. Megala

17 M. Mathammal

18 K. Kaliammal @ Ammayi

19 K. Kunjammal

20 B. Vasanthi

21 S. Bhuvaneshwari

22 M. Amala

23 N. Sithra

24 S. Saththiya Priya

25 T. Uma

26 Senbagavalli

27 V. Rajesh Kumar

28 N. Ramakrishnan

<https://www.mhc.tn.gov.in/judis>

29 I. Lakshmi



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30 I. Sambooranam

31 T. Bhakkiyam

32 V. Loganayagi

33 A. Janagi

34 T. Pazhaniammal

35 S. Velmurugan

36 M. Pazhanisamy

37 N. Murugan

38 M. Gopal

39 K. Iyanar

40 K. Nataraj

41 K. Pazhanisamy

42 M. Samburnam

43 K. Silambarasan

44 T. Magalingam

45 A. Raman

46 K. Kaveri

47 N. Kalaiselvi

48 N. Sanmugasundaram

Respondents

(RR 9 – 48 impleaded as per order dated
19.08.2019 made in W.M.P. No.23973 of 2019)

<https://www.mhc.tn.gov.in/judis>



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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to stop construction of the temple which is made by making encroaching the public well situated at Navapatti Panchayat comprised in Government poramboke land in S.No.307/18, Mathaiyankuttai, Mettur Taluk, Salem District and closing the pathway which is near the Senbagavalli Mariammam Temple and make the public well and pathway for use by general public based on the petitioner's representation dated 24.04.2019.

For petitioner	Mr. M. Senthilkumar
For RR 1 to 3	Mr. A. Selvendran
	Special Government Pleader
For RR 4 to 48	Mr. C. Rajaguru

ORDER

(made by K. RAJASEKAR, J.)

The petitioner seeks a writ of mandamus directing the official respondents to stop the construction of the temple by encroaching the public well in S.No.307/18, Mathaiyankuttai, Navapatti Panchayat, Mettur Taluk, Salem District and by closing the pathway near Senbagavalli Mariammam Temple, and make the said public well and pathway usable by general public, based on the petitioner's representation dated 24.04.2019.



the petitioner is that originally, the temple in question was only small in size, but, by passage of time, the adjoining natham land is also used for making additions to the temple by the private respondents and hence, the present writ petition seeking the above relief.

3 However, the learned counsel for the private respondents contended that the temple in question has been in existence for quite a long number of years, which is reflected in the rough sketch filed in the typed set of papers and hence, this writ petition is liable to be dismissed.

4 Mr. A. Selvendran, learned Special Government Pleader, submitted that the temple in question is in natham land only and the public pathway is not encroached, as alleged by the petitioner. In short, the learned Special Government Pleader supported the case of the private respondents.

5 A perusal of the rough sketch indicates that the temple in question has been in existence from the settlement period itself. However, it is also worth pointing out that the rough sketch would also show that initially, the temple had occupied only a small area, whereas, the photographs now produced by the petitioner would show that the private respondents are

attempting to expand the temple. Hence, it is imperative that *status quo ante*



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should be maintained in respect of the temple.

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6 In such perspective of the matter, the official respondents are directed to take steps to measure the extent of the temple in question as it stood initially and fix the boundaries for the temple and if it is found that subsequent additions had been made to the temple from time to time by the private respondents, such additional constructions shall be removed within a period of two months from the date of receipt of a copy of this order.

With the above directions, this writ petition stands disposed of sans costs. Connected W.M.Ps. are closed.

(S.V.N., J.) (K.R.S., J.)
18.12.2023

cad



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