



W.P.No.1547 of 2018

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

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

AND

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

W.P.No.1547 of 2018

M.R.Jayakumar

.. Petitioner

Vs.

1. The Chief Secretary to Government
Government of Tamil Nadu
Fort St. George, Rajaji Salai
Chennai 600 009.
2. The District Collector
Salem District, Salem.
3. The Joint Commissioner
H.R. & C/E. Department
No.319, Thirugnanasambanthar Street
State Bank Colony, Salem 636 604.
4. The Chief Conservator of Forest
Forest Extension Control Region
Cherry Road
Salem 636 001.
5. The District Forest Officer
Salem Zone, Gandhi Road, Salem.

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6. Rajkumar
7. E.Govindaraj
8. P.R.Settu
9. Ram

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the second respondent to consider petitioner's representation dated 09.01.2018.

For the Petitioner : Mr.J.Sudhakaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 5

Mr.K.P.Jotheeswaran
for Respondents 6 to 9

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.Sudhakaran, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 5 and Mr.K.P.Jotheeswaran, learned counsel for the respondents 6 to 9.

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2. The prayer made was to consider the representation of the petitioner that antisocial activities were being done by the respondents 6 to 9. They had unlawfully grabbed the lands of the Government and made huge monies out of it.

3. An affidavit is filed by the Joint Commissioner, HR & CE Department. Paragraphs 6 to 8 read thus:

"6. As soon as the petition is received, this respondent directed the Inspector, HR & CE, Salem to make a spot inspection and report. The Inspector made spot inspection and he filed a report before this respondent. In his report he stated that the above said temple is situated in S.No.23/1 with an extent of 3.55.0 Hec. and it is mentioned as Karadu in village record and the temple is having a compound wall around its premises and the deity Thoondilkara Muniappan is built in cement, 12 feet high, inside the compound wall. There are five small trees and adjacent to the temple there is a small karadu.

7. It is submitted by this respondent that there is no encroachment and removal of high valued tress and digging



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and unloading of soil through JCB in the temple land.

8. The allegations in the paras 5 to 9 of the affidavit are false and are hereby denied. This respondent submits that as above stated, on receiving the complaint of the petitioner, this respondent immediately took action and he came to know that the complaint is false according to the temple land."

4. In the light of that, the writ petition stands disposed of.

There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

16.06.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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