



WEB COPY



WP No.20934 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

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

AND

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

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C.Sankar

.. Petitioner

-VS-

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Sub-Collector,
Tiruppur District,
Tiruppur.
3. The Tahsildar,
Palladam Taluk,
Tiruppur.
4. The Village Administrative Officer,
Karadivavi Village,
Palladam Taluk,
Tiruppur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents, men or agents from proceeding further in any manner evicting the petitioner



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and removing the Annamar and Kandiamman Temples and Mandapam located in S.F.No.57/2 and 56/2B at Karadivavi Village, Palladam Taluk, Tiruppur District without following the due process of law in the event of the respondents evicting the petitioner and removing the temple.

For the Petitioner : Mr.M.Venkadeshan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader

* * * * *

ORDER

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

We have heard Mr.M.Venkadeshan, learned counsel for the petitioner, and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. The present petition is misconceived.

3. No notice had been issued to the petitioner as yet nor any overt action has been taken by the respondents. The petition ought not to have been filed.



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4. The learned State Government Pleader submits that encroachment has been committed of 30 cents in the Manthai Poramboke land. As per the direction of the Sub Collector, Tiruppur, a circular has been issued to measure the encroachment in Manthai Poramboke and if any encroachment is found, directions are to evict under the provisions of the Tamil Nadu Encroachment Act, 1905. It is further stated by the learned State Government Pleader, on instructions, that when the Revenue Inspector visited the field for inspection to find out the encroachment, the encroachers and the temple staff objected for the inspection and did not permit to carry out the inspection.

5. The petitioner cannot prevent the Government officers from inspecting. If the petitioner or anybody claiming through the petitioner tries to prevent the revenue officers from inspecting and carrying out the survey, then the respondents are entitled to take further recourse. Naturally, the respondents are entitled to follow the procedure under the Land Encroachment Act to remove the encroachment, if any and obstruction therein cannot be tolerated.



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The writ petition is, accordingly, disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : yes/no

Neutral Citation : Yes/No
sra

To:

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

(sra)

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