



W.P.No.25188 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25188 of 2023

Thangamuthu

...Petitioner

Vs.

1.The District Collector,
Erode,
Erode District.

2.The Assistant Director of Town Panchayat,
District Collectorate,
Erode.

3.The Tahsildar,
Taluk Office,
Erode Taluk,
Erode.

4.The Executive Officer,
Chithode Town Panchayat,
Chithode Post,
Erode District.

5.Seerangan

6. Nagaraj

7.Padmanapan

8.Manikandan

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to consider the representation of the petitioner dated 28.07.2023 and consequently directing the 1st and 2nd respondents to take action against the respondents 5 to 8 and to demolish the temple that is being built in the Government land and to restore the well in natham R.S.No.129/8 in Nallakavundanpalayam, Erode Taluk for public usage within a stipulated time as prescribed by this Court.

For Petitioner	: Mr.C.S.Saravanan
For Respondents 1 to 3	: Mrs.S.Anitha, Special Government Pleader
For Respondent 4	: Mr.T.Arun Kumar Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents 1 & 2 to consider his representation dated 28.07.2023 and consequently take action against the respondents 5 to 8 and demolish the temple that is being built in the Government land and restore the well in natham R.S.No.129/8 in Nallakavundanpalayam, Erode Taluk.



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2.It is the case of the petitioner that natham R.S.No.129/8 in Nallakavundanpalayam, Erode Taluk is the Government land and the private respondents 5 to 8 closed the public well that was available in the land and constructed the temple, in this regard the petitioner submitted a representation to the 1st respondent on 28.07.2023 and the same has not been considered by him.

3.Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents 1 to 3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the 4th respondent.

4.Though the petitioner sought for positive direction to the respondents 1 to 2 to take action against the respondents 5 to 8 to remove the temple that has been constructed by them in the above said land, this Court is not inclined to issue such positive direction. However, in view of the fact that the petitioner already submitted a representation to the 1st respondent, this Court is inclined to issue a direction to the 1st respondent to consider the same and pass final orders on merits and in accordance with law within a period of eight weeks



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from the date of receipt of a copy of this order after issuing notice to the respondents 5 to 8 and also the Jurisdictional Assistant Commissioner of HR &CE.

5. With the above direction, the writ petition stands disposed of. No costs.

28.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nti/shl



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To

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S.SOUNTHAR, J.

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