



W.P.No.21159 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21159 of 2017

C.Raja

...Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat,
St.George Fort,
Chennai – 600 009.

2.The District Collector,
Villupuram,
Villupuram District – 605 602.

3.The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi – 606 202.

4.The Thashildhar,
Chinnasalem Taluk,
Chinnasalem – 606 201.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to consider the petitioner's representation dated 19.7.2017 and on that basis to take necessary action for the purpose of the devotees of Maayakaali Amman



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to worship the Maayakaali Amman and conduct the daily Poojas in the Maayakaali Amman Temple.

For Petitioner : Mr.S.Sathish
For Mr.M.Ganesh

For R1 to R4 : Mr.Abishek Murthy
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 4 to consider the petitioner's representation dated 19.7.2017 and on that basis to take necessary action for the purpose of the devotees of Maayakaali Amman to worship the Maayakaali Amman and conduct the daily Poojas in the Maayakaali Amman Temple.

2. The representation has not been given by the petitioner in his individual capacity. The representation was given by the devotees of the temple and the Villagers to the Government, District Collector, Revenue Divisional Officer and the Tahsildar.

3. Such general representation given would not provide a cause for filing a writ petition, enabling this Court to issue a direction.



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4. The learned Government Advocate appearing on behalf of the respondents 1 to 4 brought to the notice of this Court that the subject Temple is a private Temple and therefore, the authorities cannot initiate any action.

5. The learned Government Advocate appearing on behalf of the respondents 1 to 4 made a submission that, in order to protect the encroachment made by the petitioner, the representation was submitted through villagers. Thus, the writ petition is motivated and therefore, is to be dismissed.

6. The representation has been given by the villagers and the petitioner has constructed the temple by encroaching upon the Government land. All such encroachments are to be removed. Under the guise of construction of a temple, no person can be allowed to encroach upon the public land.

7. If at all the petitioner claims that it is a private land, then he has to produce all the relevant documents, enabling the authorities to consider.



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8. As far as the respondents are concerned, it is brought to the notice of this Court that the petitioner is an encroacher.

9. That being the factum, the respondents are directed to verify the Revenue records and if there is an encroachment, then evict the petitioner from the Government land by following the procedures contemplated under the Land Encroachment Act.

10. With these directions, the writ petition stands dismissed. No costs.

27.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
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St.George Fort,
Chennai – 600 009.

2.The District Collector,
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Villupuram District – 605 602.



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S.M.SUBRAMANIAM, J.

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