



W.P.No.27144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM :

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

AND

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

W.P.No.27144 of 2023

Badrakali Amman Temple
rep. by its Managing Trustee, N.Ramasamy
Aged 72 years, Son of Natarajan
371-1, Gandhi Nagar, Madukarai
Coimbatore – 641 105.

.. Petitioner

Vs

1. The Assistant Divisional Engineer (Highways)
South Division, Coimbatore – 641 018.

2. N.Kannaiyan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records in K.No.577/2018/U, dated 25.8.2023 on the file of the first respondent and quash the proceedings as illegal, incompetent and without jurisdiction.

For the Petitioner

: Mr.Avinash Wadhwani

For the Respondents

: Mr.P.Muthukumar
State Government Pleader
assisted by



W.P.No.27144 of 2023

Mrs.R.Anitha
Special Government Pleader
for 1st respondent

ORDER

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

The petitioner challenges the notice dated 25.8.2023 asking the petitioner to remove the encroachment.

2. Learned counsel for the petitioner submits that the earlier writ petition was filed by a proxy. This court, under the order dated 24.8.2023 in W.P.No.18266 of 2018, never directed the respondent authorities to take steps against the petitioner's property. The respondent authority is supposed to initiate acquisition proceedings. The temple of the petitioner exists for more than 100 years on the same site. The only reason why the civil court rejected the application of the petitioner for temporary injunction is that the respondent authority was to take up acquisition proceedings.

3. The injunction application filed by the petitioner in the suit



W.P.No.27144 of 2023

is rejected in August, 2018.

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4. The suit is already filed by the petitioner and the same is pending. It is for the petitioner to establish his case in the pending suit and file such other appropriate application as may be permissible under law.

5. In view of the pendency of the suit and the order already passed by the trial Judge in the pending suit rejecting the injunction application, we are not inclined to entertain the present writ petition.

The writ petition, as such, is disposed of. There will be no order as to costs. Consequently, W.M.P.No.26594 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

15.09.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

Page 3 of 5



W.P.No.27144 of 2023

1. The Assistant Divisional Engineer (Highways)
South Division, Coimbatore – 641 018.



W.P.No.27144 of 2023

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

(sasi)

W.P.No.27144 of 2023

15.09.2023