



W.P(MD)No.4076 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.4076 of 2023

R.Muniyasamy

... Petitioner

VS.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

4.The Block Development Officer,
Kadaladi,
Ramanathapuram District.

5.The Executive Officer,
Sayalkudi Town Panchayat,
Sayalkudi, Kadaladi Taluk,
Ramanathapuram District.

6.Ayyamperumal

... Respondents



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WEB C PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments made by the sixth respondent in Sri Karuppasamy Temple comprised in Survey No.185/4 measuring about 0.14.5 ares situated at opposite to Sayalkudi Panchayat bus stand, Sayalkudi, Kadaladi Taluk, Ramanathapuram District in the light of the communication of the official respondents, dated 20.11.2015, 19.09.2016, 16.08.2018, 22.10.2018, 01.06.2020 and 30.09.2021.

For Petitioner	: Mr.B.Prahalad Ravi
For RR 1 to 3	: Mr.K.Balasubramani Special Government Pleader
For RR 4 & 5	: Mr.M.Sarangan Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments made by the sixth respondent in Sri Karuppasamy Temple comprised in Survey No.185/4 measuring about 0.14.5 ares situated at opposite to Sayalkudi Panchayat bus stand, Sayalkudi, Kadaladi Taluk, Ramanathapuram District in the light of the communication of the official



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WEB COPY respondents, dated 20.11.2015, 19.09.2016, 16.08.2018, 22.10.2018, 01.06.2020 and 30.09.2021.

2. The learned counsel appearing for the petitioner submitted that on receipt of the petitioner's representations, the official respondents have sent several communications, dated 20.11.2015, 19.09.2016, 16.08.2018, 22.10.2018, 01.06.2020 and 30.09.2021, directing the authority concerned to remove the encroachment made by the sixth respondent in the abovesaid survey number. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3. The learned counsels appearing for the respondents 1 to 5, on instructions, submitted that based on the aforesaid communications, appropriate action will be taken in accordance with law.

4. In view of the abovesaid submission, without going into the merits of the claim made by the petitioner, the third respondent is directed to consider the claim of the petitioner and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice to all other parties, shall take



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necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned including the sixth respondent and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [L.V.G.,J.]
28.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

ps



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D.KRISHNAKUMAR,J.

and

L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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