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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.4472 of 2023
and
W.M.P.(MD) No.4212 of 2023

K.Ganeshan ... Petitioner

-vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4.The President,
Santhayur Village Panchayat,
Virudhunagar Panchayat Union,
Virudhunagar District.

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5.A.Seenivasan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to remove the encroachment in Natham Survey No.51/63, Santhayur Village, Sattur Taluk, Virudhunagar Panchayat Union, Virudhunagar District in view of the representation dated 17.02.2023.

For Petitioner : Mr.M.Jothi Basu

For RR1 to 3 : Mr.P.T.Thiraviyam
Government Advocate

O R D E R

[Order of the Court was made by R. SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

> *"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ or Direction, directing the third respondent to remove the encroachment in Natham Survey No.51/63, Santhayur Village, Sattur Taluk, Virudhunagar Panchayat Union, Virudhunagar District in view of the representation dated 17.02.2023 within the stipulated time which this Hon'ble Court may deem fit and proper and thus render justice."*

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2. Mr.P.T.Thiraviyam, learned Government Advocate appearing for respondents 1 to 3 has produced the Adangal under the Natham Settlement Scheme, which shows that the disputed land in Survey No.51/63, Santhayur Village, Sattur Taluk is classified as a 'Natham Murugan Kovil'. The village map also shows the existence of a Murugan Temple in the said survey number. The Tahsildar, Sattur Taluk has rejected the request of the petitioner for removal of encroachment on the ground that the construction, that is, being done cannot be termed as an encroachment, since it is being done in Natham land, which is classified as 'temple site' and the construction was also of a temple.

3. Recording the above statement made, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
13.04.2023

NCC : Yes
Index : Yes
Internet : Yes

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R. SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

abr

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Sattur Taluk,
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