



W.P.(MD)No.6784 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6784 of 2023

Jaya Chandran

: Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai,
Sivagangai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 06.03.2023.



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For Petitioner : Mr.E.Mohamed Abbas
For Respondents : Mr.V.Nirmalkumar
Govt. Advocate

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J)

The petitioner seeks a direction to the first respondent to consider his representation, dated 06.03.2023.

2.Mr.V.Nirmalkumar, learned Government Advocate takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The complaint of the petitioner is that the official respondents, without issuing any notice as per the direction of the Division Bench in its order dated 01.12.2022 in W.P(MD)No.27353 of 2022, are attempting to



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remove a portion of temple. The petitioner would add that he is ready to co-operate with the authorities and in any event, if it is found that there is any encroachment, the petitioner is ready to remove the same and the petitioner seeks an opportunity to show that there is no encroachment.

4.It is rather unfortunate that the Mandamus issued by this Court is misused by the authorities. This Court in its order dated 01.12.2022 had very clearly stated that if there is any encroachment in the place in question, the same would be removed by the authorities concerned, after affording sufficient opportunity to all the authorities concerned by following due process of law. Therefore, if the authorities find that there is any encroachment by any person over Government land, it is open to the authorities to follow the procedure established by law and remove the encroachment. Simply because a Mandamus is issued by this Court the authorities cannot act in derogation of the rights of a citizen.



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WEB COPY 5. Hence, this writ petition is disposed of with the direction to the authorities to follow the due procedure of law in attempting to remove the encroachment. No costs.

[R.S.M., J.] & [L.V.G., J.]
28.03.2023

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

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Devakottai,
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AND
L.VICTORIA GOWRI.,J

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