



W.P.(MD)No.13554 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 13554 of 2020

and

WMP(MD)No.11290 of 2020

Palpandian,
Trustee,
Arulmigu Uthiramdan, Sudalaimadam Temple

... Petitioner

Vs.

1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Tirunelveli Corporation Zonal Office,
Trivandrum Road,
Palayamkottai,
Tirunelveli.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.

... Respondents

[The 3rd respondent is impleaded as per Order of this Court, dated 22.09.2023]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus or order or direction in the nature of Writ forbearing the respondents from putting up any construction in the temple lands of Arulmigu Uthiramdan, Sudalaimadan Temple situated in TS No.2281/1, TS Ward No.1, Block No.28 to an extent of 41 cents of Palayamkottai Division Ward, Tirunelveli Municipality and consequently direct the respondents to survey the temple land, namely Arulmigu Uthiramadam Sudalaimadan Temple situated in TS No.2281/1, TS Ward No.1, Block No.28 Palayamkottai Division Ward, Tirunelveli Municipality to an extent of 41 cents and to fix boundary stones within a time frame that may be fixed by this Court.

For Petitioner : Mr. R.Pon Karthikeyan

For Respondents : Mr.S.P.Maharajan
Standing Counsel, for R1 and R2

Mr.M.Ramesh
Government Advocate, for R3

ORDER

This writ petition is filed for *Writ of Mandamus* forbearing the respondents from putting up any construction in the temple lands of Arulmigu Uthiramdan, Sudalaimadan Temple situated in TS No.2281/1, TS Ward No.1, Block No.28 to an extent of 41 cents of Palayamkottai Division Ward, Tirunelveli



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Municipality with a consequential direction to the respondents to survey the temple land and to fix boundaries.

2. Heard Mr. R.Pon Karthikeyan, the Learned counsel appearing for the petitioner, Mr.S.P.Maharajan, the Learned Standing Counsel, for the respondents 1 & 2, Mr.M.Ramesh, the Learned Government Advocate, appearing for the 3rd respondent and perused the material documents available on record.

3. The petitioner is a Trustee of the temple, namely; Arulmigu Uthiramdan, Sudalaimadan Temple. The contention of the petitioner is that the respondents Local body has put up construction in the temple property. Therefore, this Court is impleading the Joint Commissioner *Suo motu* as 3rd respondent.

4. Therefore, the Joint Commissioner is directed to take steps to survey the land and hand over the same to the petitioner's temple. If there is any encroachment, the Joint Commissioner is also directed to take effective steps to remove the encroachment and hand over the temple's property to the temple.



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5. Accordingly, this Writ Petition is allowed. No Costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

22.09.2023



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To

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
- 2.The Assistant Commissioner,
Tirunelveli Corporation Zonal Office,
Trivandrum Road,
Palayamkottai,
Tirunelveli.



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S.SRIMATHY. J

ksa

**Order made in
W.P.(MD)No. 13554 of 2020**

22.09.2023