



W.P.(MD) No.13808 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.13808 of 2023

P.Radha Krishnan

... Petitioner

-VS-

1. The District Collector,
Office of the District Collector,
Sivagangai District - 630 562.
2. The Tahsildar,
Office of the Tahsildar,
Ilayangudi Taluk, Sivagangai District - 630 702.
3. The Diwan / Administrative Secretary,
Ramanathapuram Samasthana Devasthanam,
Ramanathapuram.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Nos.1 and 2 to recover all the amount which was collected by the third respondent from the encroachers upon Survey No. 350 situated at Salaigramam, Ilayangudi taluk, Sivagangai District within the time stipulated by this Hon'ble court.

For Petitioner : Mr.N.Senthilnathan

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 and R2
Ms.Porkodi Karnan for R3

ORDER

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

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 and 2 and Ms.Porkodi Karnan, learned counsel takes notice for the third respondent.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.



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3. 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 OF Mandamus directing the respondent Nos.1 and 2 to recover all the amount which was collected by the third respondent from the encroachers upon Survey No. 350 situated at Salaigramam, Ilayangudi taluk, Sivagangai District within the time stipulated by this Hon'ble court.”

4. Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents would submit that notices have been issued to the encroachers and an order has been passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity “the Act”), for eviction of the encroachers. The said order is challenged by the encroachers in the form of revisions filed under Section 10A(c) of the Act, which is pending before the Secretary, Revenue and Disaster Management.

5. The learned counsel appearing for the third respondent would contend that the land in question belongs to Varaguneshwarar Temple situate at Salaigramam, Sivaganga District, which is under the management of the third



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respondent and it is the temple which has put up shops and the same have been let out.

6. Admittedly, the revisions are pending before the Secretary, Revenue and Disaster Management and the temple has also filed a civil suit. Hence, we do not think that we can go into the disputed question of title in the writ petition under Article 226 of the Constitution of India and we see no necessity to entertain the writ petition to complicate the issue further. Accordingly, this writ petition stands dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

13.06.2023

NCC : No
Index : No
Internet : Yes
PKN



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