



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

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

W.P. (MD) No.15961 of 2020
and
W.M.P. (MD) Nos.13365, 13368 of 2020 & 1722 of 2023

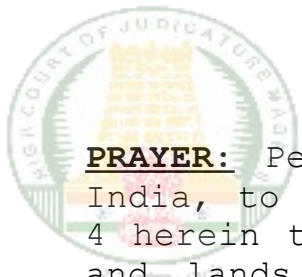
J.Vijay Anand

... Petitioner

-vs-

- 1.The District Collector
Madurai, Madurai District
- 2.The Commissioner
Madurai Corporation
Madurai
- 3.The Tahsildhar
Madurai South
Madurai
- 4.The Joint Commissioner /
Executive Officer
Arulmighu Meenakshi Sundareswarar Temple
Madurai
- 5.The Commissioner of Police
Madurai City
Madurai
- 6.The Inspector of Police
B3 Police Station
Teppakulam
Madurai
- 7.P.R.Vidyasagar
- 8.M.N.Prabhakaran
- 9.M.N.Ramesh

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 herein to ensure that entire extent of Teppakulam and the road and lands surrounding the four sides of Mariamman Teppakulam, Madurai ie western portion comprised in T.S.No.120, 121, 122, 202, 203, 207, 208, 210, 211, 212 and 225, Northern Portion comprised in T.S.No.119, 121 and 226, Eastern portion comprise in T.S.No.95, 96, 104, 105, 113, 116, 117, 120 and 121 and southern portion comprised in T.S.No.122, 123 and 226 and the Panaiyur water Channel and the sedimentation tank belonging to fourth respondent temple ie Arulmighu Meenakshi Sundareswarar Devasthanam as free from any encroachment of any nature whatsoever.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.P.T.Thiraviyam
Government Advocate for R1, R3, R5 & R6
Mr.R.Murali for R2
Mr.V.R.Shanmuganathan for R4
Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates for R7
Mr.J.Barathan for R8 & R9

O R D E R

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

Prayer in this writ petition reads as follows:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased to issue a writ of mandamus or any other appropriate writ, order, or direction in the nature of writ of mandamus directing the respondents 1 to 4 herein to ensure that entire extent of Teppakulam and the road and lands surrounding the four sides of Mariamman Teppakulam, Madurai ie western portion comprised in T.S.No.120, 121, 122, 202, 203, 207, 208, 210, 211, 212 and 225, Northern Portion comprised in T.S.No.119, 121 and 226, Eastern portion comprise in T.S.No.95, 96, 104, 105, 113, 116, 117, 120 and 121 and southern portion comprised in T.S.No.122, 123 and 226 and the Panaiyur water Channel and the sedimentation tank belonging to fourth respondent temple ie Arulmighu Meenakshi Sundareswarar Devasthanam as free from any encroachment of any nature whatsoever and pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and



circumstances of the case and thus render justice."

2. An Advocate Commissioner was appointed to find out whether there are any encroachments in the Teppakulam or the Roads around it. A report has been filed on 27.03.2023 by Mr.A.K.Baskara Pandian, Advocate Commissioner. The said report shows that except temporary shops selling certain eatables and certain entertainments for children, there are no encroachments in Teppakulam or the Roads around it. Hence, the prayer in this writ petition has become infructuous.

3. Mr.V.R.Shanmuganathan, learned counsel appearing for Meenakshi Sundareswarar Temple / fourth respondent would submit that the Temple has certain rights over the Roads and it can prevent the private respondents from using the Roads as access.

4. The claim of the Temple over the Roads is not a question that is to be addressed in a proceeding under Article 226 of the Constitution of India. The Temple, which is a respondent in a public interest litigation seeking a direction to ensure that there is no encroachment, cannot project its proprietary right.

5. Hence, this writ petition is closed recording the report of the Advocate Commissioner, dated 27.03.2023, and leaving the other questions open to be agitated before the appropriate forum. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

krk

To:

- 1.The District Collector,
Madurai, Madurai District.
- 2.The Tahsildhar,
Madurai South,
Madurai.
- 3.The Commissioner of Police,
Madurai City,
Madurai.



4.The Inspector of Police,
B3 Police Station,
Teppakulam,
Madurai.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-29297[F] dated
20/06/2023)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-29413[F] dated
21/06/2023)

+1 CC to M/s.R.MURALI, Advocate (SR-29350[F] dated 21/06/2023)

+5 CC to M/s.T.R.JEYAPALAM, Advocate (SR-29466[F] dated
21/06/2023)

W.P. (MD) No.15961 of 2020
and
W.M.P. (MD) Nos.13365, 13368 of 2020 &
1722 of 2023
20.06.2023

MK/11.07.2023 4P 14C