



W.P.(MD) No.15847 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.15847 of 2023

and

W.M.P.(MD) No.13259 of 2023

Sri Pookuzhi Shakthi
Muthulakshmi Amman
Sri Sonaisamy Temple
through its President V.G.Ramdoss
S/o.V.R.Govindan
No.116, Railway Colony
Madurai-625 010

... Petitioner

-vs-

1.The Estate Officer
Southern Railway
The Divisional Office -
Works Branch
Madurai-625 010

2.The General Manager
Southern Railway
Chennai-600 010



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3.The Director
Archeological Survey of India
Dharohar Bhavan
No.24, Tilak Marg
New Delhi-110 001

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order in Form-B dated 30.05.2023 issued by the first respondent and quash the same as null and void and consequently direct the first respondent to continue the worship in the petitioner's temple Sri Pookuzhi Shakthi Muthulakshmi Amman, Sri Sonaisamy Temple, situated at No.116, Railway Colony, Madurai-625 010.

For Petitioner : Mr.K.Khari Kharadas

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

[Order of the Court was made by S.VAIDYANATHAN, J.]

Mr.K.Govindarajan, learned Deputy Solicitor General of India, takes notice for the respondents.



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

3. The prayer in this writ petition is to quash the Form-B, dated 30.05.2023, issued by the first respondent, directing removal of encroachment made in the form of a Temple i.e. Sri Pookuzhi Shakthi Muthulakshmi Amman, Sri Sonaisamy Temple, over the Railway land and to direct the first respondent to permit the petitioner to continue the worship of the said Temple.

4. At the outset, it is pertinent to note that the petitioner has got an effective alternative remedy before the appropriate forum by filing a civil miscellaneous appeal, under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Hence, we are not inclined to grant the relief sought for by the petitioner. However, while rejecting the plea, the petitioner is given liberty to raise all the factual and legal submissions available to him before appropriate forum. It is made clear that the period during which the writ petition was pending before this Court shall be excluded for the purpose of computing the period of limitation.



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5. Accordingly, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

[S.V.N., J.]

[D.B.C., J.]

03.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note to Office:

Return the original impugned order to the petitioner, after obtaining necessary acknowledgement and retaining a xerox copy, if not available in the typed set of papers.

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To:

- 1.The Estate Officer,
Southern Railway,
The Divisional Office -
Works Branch,
Madurai-625 010.
- 2.The General Manager,
Southern Railway,
Chennai-600 010.
- 3.The Director,
Archeological Survey of India,
Dharohar Bhavan,
No.24, Tilak Marg, New Delhi-110 001.



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and
D.BHARATHA CHAKRAVARTHY, J.

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