



W.P(MD)No.19727 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.19727 of 2023

K.Udaiyappan

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
O/o.The District Revenue Officer,
Sivagangai.
- 3.The Superintendent of Police,
O/o.Superintendent of Police,
Sivagangai.
4. Radhakrishnan
5. Rajinikanth
6. Chinnaiah



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7. Sundaram

8. Arunachalam

9. Chelladurai

10. Babu @ Theradian

11. Palanisamy

12. Sundarammal

13. Poochi @ Kaliammal

14. Muthusamy

15. Renuka

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the encroachments made by the respondents 4 to 15 by constructing buildings at Survey No.234 situated at Government Poramboke Karunguzhi Oorani and restore the encroached Oorani based on the petitioner's representation dated 12.07.2023 through registered post with ack. due within the time limit that may be stipulated by this Court.

For Petitioner : Mr.P.Singaravel

For Respondents : Mr.M.Siddhardhan,
Addl. Government Pleader for R1 to R3.



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ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 to 3.

2.The petitioner alleges that in S.No.234, Chinna Unjani village a number of encroachments have been committed. The petitioner has alleged that the private respondents have put up buildings in what known as Karunguzhi Oorani.

3.When the matter was taken up for hearing, the learned Special Government Pleader informs that S.No.234 is known as Algiyanachi Amman Temple Oorani and that it measures an extent of 2.64.0 hectares. It is categorically stated that except a small temple like structure which is also quite old, there is no other encroachment. It is undertaken by the official respondents that no other encroachment will be permitted. Since the temple appears to be very old, obviously no direction can be issued for its removal. In any event, the oorani itself is known as Algiyanachi Amman Temple Oorani. If the petitioner wants to have the encroachment



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in Karunguzhi Oorani to be remanded, it is open to him to file an independent writ petition.

4. Granting such liberty to the writ petitioner, this writ petition is dismissed. No costs.

**(G.R.S.J.) & (B.P.J.)
16.08.2023**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
O/o. The District Revenue Officer,
Sivagangai.
3. The Superintendent of Police,
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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