



W.P.(MD)No.21535 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21535 of 2021

Saravanakumar

... Petitioner

-VS-

1.The Tahsildar,
Peravoorani Taluk, Thanjavur District.

2.The Block Development Officer
(Village Panchayat), Peravoorani,
Aavanam, Peravoorani Taluk,
Thanjavur District.

3.The Inspector of Police,
Peravoorani Police Station,
Thanjavur District.

4.Palanivel

5.The Panchayat President,
Kalagam Village Panchayat, Peravoorani Taluk,
Thanjavur District.

6.The Manager,
Thiru Kaliya Paramparai Thiruvavadurai
Aadhinam, Thiruperundurai, Avudaiyarkovil,
Pudukkottai District

... Respondents

[R5 and R6 are impleaded vide order of this Court,
dated 09.06.2023, made in W.M.P.(MD)No.21535 of 2021]

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the Samathi erected by the fourth respondent in the petitioner's rental land in Survey No.219/1, with an extent of 9 ½ cents, situated at Kalagam Panchayat, Kalagam-II, Peravoorani Taluk, Thanjavur District, based on the petitioner's representation dated 22.11.2021.

For Petitioner	:	Mr.M.Ramu
For R1	:	Mr.B.Saravanan Additional Government Pleader
For R2	:	Mr.G.Suriyanath
For R3	:	Mr.R.Sivakumar Government Advocate (Criminal side)
For R4	:	Mr.B.Anandan
For R5	:	No Appearance
For R6	:	Mr.P.Paranjothi

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 3 to remove the Samadhi that has been erected by the fourth respondent in the property belonging to the petitioner, by considering the representation made by the petitioner on 22.11.2021.



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4. It is clear from the above that an attempt is being made to provide an alternative pathway to the petitioner through Survey No.219/1, measuring an extent of 0.04.0 Ares. If the Temple gives permission, the petitioner will be able to use the alternative pathway to access his property. It is also seen from the written instructions that the Samadhi has been raised in such a way that the pathway to the property belonging to the petitioner has been completely blocked.

5. In the light of the above, there shall be a direction to the first respondent to call the parties for an enquiry. If an alternative pathway is provided to the petitioner, the same shall be recorded and the petitioner shall be permitted to use the alternative pathway. If the alternative pathway is not provided, the representation made by the petitioner shall be dealt with in the light of the judgment of the Full Bench of this Court in **Jagadheeswari and others vs. B.Babu Naidu and others** reported in **2023 (4) CTC 481**. A decision shall be taken by the first respondent within a period of four weeks from the date of receipt of a copy of this order.



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6. This Writ Petition is disposed of in the above terms. No costs.

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NCC : Yes/No

Index : Yes/No

SMN2

20.11.2023

To

- 1.The Tahsildar,
Peravoorani Taluk, Thanjavur District.
- 2.The Block Development Officer
(Village Panchayat), Peravoorani,
Aavanam, Peravoorani Taluk,
Thanjavur District.
- 3.The Inspector of Police,
Peravoorani Police Station,
Thanjavur District.
- 4.The Panchayat President,
Kalagam Village Panchayat, Peravoorani Taluk,
Thanjavur District.



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N.ANAND VENKATESH, J.

SMN2

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