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W.P.(MD) No.21703 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.21703 of 2023
and
W.M.P.(MD) No.18789 of 2023**

M.Vembadiyan

... Petitioner

-vs-

- 1.The Managing Director
National Highways Authority of India
Villupuram
Villupuram District
- 2.The Executive Officer
Arulmighu Kailasanathar Thirukoil
Valady, Lalgudi Taluk
Trichy District
- 3.The Divisional Engineer
National Highways Authority of India
Pon Nagar, Trichy
Trichy District



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4.The Revenue Divisional Officer
O/o.Revenue Divisional Office
Lalgudi
Trichy District

5.The Inspector of Police
Lalgudi Police Station
Trichy District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent, the Executive Officer of Temple to evict the fish sellers encroachment on the temple land and the first respondent MD, NHAI, Villupuram to evict the encroachment and the pipe put-up on the National Highway NH22 as per the letter of official from NHAI Trichy, dated 01.08.2023, so as to enable the petitioner to carry over and continue Kuruvai Agriculture activity peacefully in order to prevent adverse religious law and order problem in the encroachment site.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.P.Karthick for R1
Mr.P.Thilakkumar
Government Pleader for R2
Mr.S.Shanmugavel
Additional Government Pleader for R4
Mr.Veeranthiran
Government Advocate (Criminal Side) for R5



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ORDER

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

The relief sought for in this writ petition is to direct the second respondent to evict the encroachments made by fish vendors on the land belonging to the respondent – Temple and to direct the first respondent to remove the encroachments and the pipe line put-up by them on the National Highways Road NH22 as per the letter of official from the National Highways Authority of India, Trichy, dated 01.08.2023, so as to enable the petitioner to carry over and continue Kuruvai Agriculture activities peacefully and to prevent adverse religious law and order problem in the encroachment site.

2. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that the encroachments in the subject land have already been removed and the subject land belongs to the respondent – Temple.

3. If so, such temple properties are to be protected and utilized for the benefit of the temple under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in the manner contemplated.



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4. With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

07.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Executive Officer,
Arulmighu Kailasanathar Thirukoil,
Valady, Lalgudi Taluk,
Trichy District.
- 2.The Divisional Engineer,
National Highways Authority of India,
Pon Nagar, Trichy,
Trichy District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Lalgudi,
Trichy District.
- 4.The Inspector of Police,
Lalgudi Police Station,
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S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

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