



W.P. (MD) No. 21628 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.03.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 21628 of 2017

N.Thirugnanam

... Petitioner

-VS-

1. The District Collector,
Virudhunagar District, Virudhunagar.

2. The Tahsildar,
Office of Tahsildar,
Thiruchuzhi Taluk,
Virudhunagar District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to direct the second respondent to remove the newly constructed temple on the bund Manakulam Kanmai in Survey No.236 of M.Pudukulam Village, Thiruchuzhi Taluka, Virudhunagar District and consequently direct the second respondent to handover the building materials therein, by considering petitioner's representations dated 16.04.2016, within the period as stipulated by this Court.

For Petitioner : Mr. A.Haja Mohideen

For Respondents : Mr. K.S.Selvaganesan,
Additional Government Pleader



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ORDER

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Heard Mr. A.Haja Mohideen, Learned Counsel for the Petitioner, and Mr. K.S.Selvaganesan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to take action on his representation dated 16.04.2016 to remove the newly constructed temple on the bund of Manakulam Kanmai in Survey No.236 of M.Pudukulam Village, Thiruchuzhi Taluk, Virudhunagar District and to handover the building materials therein.

3. The Second Respondent has filed an action taken report in February 2023, which reads as follows:-

“2. It is submitted that the Manakulam lake is situated in S.No.236 Extent 12.60.0 Hectare at M. Pudhukulam village, Tiruchuli circle, Virudhunagar District. In the East bank of the said Manakulam lake, outside the Lake extent, the Sengaludaya Ayyanar temple was situated adjacent to the village Road, which was in usage of villagers. The said Manakulam Lake was in maintenance of Narikudi village



panchayat.

3. *It is submitted that the Sengaludaya Ayyanar temple was a old one, which was worshiped by more than 200 families as their Family Deity and the temple is existing there for more than 200 Years. Formerly, the old temple was built in the year 1966 with roof and ceiling and inscription of it is in the records. Later, old temple got damaged and it was renovated, a committee was formed. Later, due to misappropriation in accounts related to new temple construction the following heirs of one Nataraja devar were removed from committee:-*

- 1.Thirumoorthy*
- 2.Thirugnanam*
- 3.Bhoominathan*
- 4.Dhanushkodi*
- 5.Irulaye Ammal*
- 6.Panchavarnam.*

4. *It is submitted that the said Thirumoorthy S/o Nataraja Devar filed a writ petition in WP (MD).No. 6406/2006 regarding the temple and it got dismissed on 30.09.2009. Later, the said Irulayceammal D/o Nataraja Devar filed a writ in WP (MD).No. 4828/2011 to encroachments in Banks of Manakulam Lake and to increase catchment area of Manakulam Lake. In this writ petition, Hon'ble court passed orders on 15/07/2011 directing 1st Respondent of this present writ petition to take necessary actions considering the petition within a period*



of 8 weeks.

5. It is submitted that a committee was formed by the 1st Respondent comprising of the the following members
1.Revenue Divisional Officer, Aruppukottai 2.Assistant Director of Panchayats, Virudhunagar 3.Tahsildhar, Tiruchuli 4.Executive Officer, Narikudi Panchayat. This committee was formed to scrutinize the records, to field survey and to inspect the Manakulam Lake. After inspection, survey and enquiry, the committee submitted a report stating that there is no sluice nearby the Sengaludaya Ayyanar Temple and Village vandi pathai is lying adjacent to the Banks of Manakulam Lake and nearby Sengaludaya Ayyanar temple there is a water over tank at the lower side of Manakulam Lake's Bank and there is no new encroachments. Followed by the report, the contempt petition in Cont.P. (MD) 665/2011 in WP.(MD).No. 4828/2011 was also dismissed on 13/06/2013.

6. It is submitted that one Thirugnanam S/o Nataraja Devar, who is the present writ petitioner filed a writ petition in WP.(MD).No. 6709/2013 to issue patta for the said temple which was also dismissed. Subsequently another writ petition was filed by Irulayeeammal D/o Nataraja Devar in WP (MD).No. 12635/2013 and it got dismissed on 04.08.2017.

7. It is submitted that regarding this present writ petition as per the court direction, field Survey and enquiry has been conducted. Based on the inspection, it is found that there



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are no encroachments in the lake and the Sengaludaya Ayyanar Temple is a old one with more than 200 families worshipping it as Family deity. It is also found that only members of a single family are continuously filing the writ petitions to disturb the peaceful existence of the temple as per enquiry findings. The Sengaludaya Ayyanar Temple is situated without any hindrance to agriculture of villagers or irrigation or public utility at any cause as per field Survey.”

Having due regard to the aforesaid action taken report filed by the Second Respondent, there does not appear to be any justification in the claim made by the Petitioner in the Writ Petition.

In fine, the Writ Petition is devoid of merits, is dismissed. No costs.

01.03.2023

PKN

Index: Yes/No

Note: Issue order copy by 05.06.2023.



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P.D. AUDIKESAVALU, J.

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