



W.P.No.5492 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.5492 of 2020
and
W.M.P.No.460 of 2024
& WMP No.6425 of 2020

M.Vinayagamurthy

... Petitioner

Vs.

1.The District Collector,
Villupuram District

2.The Sub-Collector,
Thindivanam,
Villupuram District.

3.The Tahsildar,
Thindivanam Taluk,
Thidivnam

4.The BDO,
Olakkur -Saram,
Villupuram District.

5.R.Vasanthammal
6.B.Nalini

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Mandamus, to direct the 3rd respondent to implement its own order dated 17.02.2020 and consequently direct the 1st and 3rd



W.P.No.5492 of 2020

respondents to restore the temple land and revenue records back to its original position.

WEB COPY

For Petitioner : Mr.M.Elumalai
For R1 to 4 : Mr.A.Selvendran
Special Government Pleader
For R6 : Mr.L.Chandrakumar

ORDER

(Order of this Court delivered by S.M.SUBRAMANIAM,J.)

The relief sought for in this Writ Petition is to implement the Section 7 notice dated 17.02.2020. However, Section 7 notice cannot be implemented directly. On perusal of the order dated 17.02.2020 reveals that the procedure as contemplated under the Act has not been followed scrupulously.

2. Secondly, before the order dated 17.02.2020, Section 7 notice was issued by the Block Development Officer, Olakkur- Saram / the fourth respondent herein. Therefore, the authorities have not properly followed the procedures as contemplated under the Act. Thus, we are inclined to convert the proceedings of the Revenue Tahsildar, Thindivanam dated 17.02.2020 as Section 7 notice under the Act.



W.P.No.5492 of 2020

3. Thus, the alleged encroachers/respondents 5 & 6 are at liberty to submit their objections along with the documents if any, to the Revenue Tahsildar, Thindivanam Taluk within a period of 10 days from today. On receipt of any such objections, the Tahsildar, Thindivanam Taluk is directed to conduct enquiry and scrutinize the documents and thereafter, pass orders under Section 6 of the Act and initiate appropriate further proceedings in the manner known to law if encroachments are identified. The entire exercise is to be completed within 12 weeks from the date of receipt of a copy of this order.

4. With the above liberty to the parties, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S.J.] [K.R.S.J.]
08.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
dn

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.



W.P.No.5492 of 2020

dn

WEB COPY

To

1.The District Collector,
Villupuram District

2.The Sub-Collector,
Thindivanam,
Villupuram District.

3.The Tahsildar,
Thindivanam Taluk,
Thidivnam

4.The BDO,
Olakkur -Saram,
Villupuram District.

Order in
W.P.No.5492 of 2020

08.03.2024