



W.P.No.10417 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10417 of 2024

S.Rajagopal

.. Petitioner

Vs.

1. The District Collector
Salem District, Salem – 636 001.
2. The Joint Commissioner of Hindu Religious
and Charitable Endowments Department
Kottai Mariamman Kovil Campus
Salem – 636 001.
3. The Tahsildar
Thalaivaasal Taluk
Thalaivaasal, Salem District.
4. M.Perumal
5. Ponnusamy
6. The Fit Person
Arulmigu Vadaikariyan Kovil
Navkurichi Post, Thalaivasal Taluk
Salem District.

.. Respondents



W.P.No.10417 of 2024

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the 1st Respondent herein to conduct survey and remove the encroachments on water stream poramboke land in respect of S.No.36 and extent of 15.7 Acres at Navakkurichi Village Talaivasal Taluk, Salem District based on the representations dated 28.03.2023,11.07.2023 made by the Petitioner herein in the interest of public and farmers and to direct the 2nd Respondent herein to merge and bring Arulmighu Vadakariyan @ Muthain Temple situated at Navakkurichi Village, Talaivasal Taluk, Salem District under the Control of HR and CE which is constructed on water stream and declared as Public Temple by the District Munsiff Court, Attur in O.S.No. 678/1987 on 04.09.1996.

For the Petitioner : Mr.L.Muthusamy

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.T.K.Saravanan
Government Advocate
for R1 and R3

Mr.NRR.Arun Natarajan
Special Government Pleader (HR & CE)
for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.L.Muthusamy, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate for respondent Nos.1 and 3 and Mr.NRR.Arun Natarajan, learned Special Government Pleader (HR & CE) for respondent No.2.



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2. Encroachment is alleged on the land in S.No.36, where a temple and a stream exist.

3. Learned State Government Pleader submits that survey would be conducted within a period of four months from today and depending upon the report of the survey, if encroachment is found, action, in accordance with law, would be commenced within a period of two months thereafter. As far as the other reliefs are concerned, the petitioner may make a representation to the concerned authority, which representation shall be considered by the concerned authority on its own merits and in accordance with law preferably within a period of nine months.

4. In view of the said submissions, the writ petition, accordingly, stands disposed of. There shall be no orders as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

17.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(drm)

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