



W.P.No.24271 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24271 of 2022 and
W.M.P.No.23261 of 2022

Arulmigu Samayapuram Mariamman Thirukoyil Trust,
Rep. by its President,
M.Perumal,
S/o.Marimuthu,
M.G.R.Nagar, Vinayagapuram,
Narasingapuram Village,
Attur,
Salem District.

...Petitioner

-Vs-

1. The Managing Director,
TamilNadu Housing Board,
Nandanam,
Chennai-35.

2. The Executive Engineer,
TamilNadu Housing Board,
Opp. Collector Bungalow,
Salem-8.

3. The Inspector of Police,
Attur Town Police Station,
Attur, Salem District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to consider and pass orders on the representation of the petitioner dated 14.07.2016 and 18.11.2016 by allotting Plot Nos.H25 and H26 in S.No.119/5, Narasingapuram Village, Attur, Salem District to the petitioner trust by fixing market value and till such time direct the respondents 2 and 3 not to demolish the temples situated in the above plots.

For Petitioner	: Mr.V.Elangovan
For Respondents 1 & 2	: Mr.D.Veerasekaran Standing Counsel
For Respondent 3	: Mr.E.Vijay Anand Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the first respondent to consider the representation submitted by the petitioner dated 14.07.2016 and 18.11.2016 seeking allotment of Plot Nos.H25 and H26 comprised in S.No.119/5, Narasingapuram Village, Attur, Salem District.

2. The petitioner is being the Trust, taking care of the temples



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located in S.No.119/7, Narasingapuram Village, Attur, Salem District. The temples located in that area are time immemorial and the petitioner's trust is performing daily poojas to the temples. While being so, the respondents 1 and 2 developed the said land and put lay out for house plots. Now, the temples are situated in Plot.Nos.H25 and H26. Therefore, the petitioner submitted representation to allot those plots in favour of the petitioner.

3. On perusal of the counter affidavit filed by the second respondent revealed that the 2nd respondent had acquired the said land under the Land Acquisition Act to an extent of 55.38 acres including the land comprised in S.F.No.119/7 situated at Narasingapuram Village of Attur Taluk, Salem District. After passing of award, the Government excluded the land comprised in S.F.No.119/4 to an extent of 0.28 acres. In the said land only the temple called Arulmigu Samayapuram Mariamman Thirukovil is situated. That apart, the petitioner is being an encroacher filed a suit in O.S.No.172 of 2008 as against the respondents for permanent injunction on the file of the District Munsif Court, Attur and the same is pending without any interim order. Though, some of the temples are located in S.No.119/7,



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by way of representation submitted by the petitioner, it cannot be allotted in favour of the petitioner. According to the respondents, the petitioner is an encroacher, only because of the injunction suit in O.S.No.172 of 2008, no action has been taken as against the petitioner. That apart, the representations submitted by the petitioner in the year of 2016.

4. Therefore, the request made by the petitioner cannot be considered. Hence, this writ petition is devoid of merits and liable to be dismissed. The petitioner is at liberty to approach the Government for appropriate relief if so advised. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
gvn



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WEB COPY To

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WEB COPY



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G.K.ILANTHIRAIYAN,J.
gvn

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