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W.P.No.34828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.34828 of 2024

R.Mahalakshmi

W/o.S.Gururajan

... Petitioner

VS

1. State of Tamil Nadu

Rep. By the District Collector

Krishnagiri District

Krishnagiri – 635 001

2. The Tahsildar

Denkanikottai

Pin- 635 107

3. The Revenue Inspector

Denkanikottai

Pin: 635 107

4. The Assistant Commissioner

Hindu Religious and Charitable Endowments (HR & CE)



W.P.No.34828 of 2024

3rd Cross, Rajaji Nagar
Rayakottai Road
Krishnagiri – 635 002

5. T.Venugopal
S/o.Thimmaiah

6. Sasi
W/o.K.L.Prakash

7.S.Prasanna
S/o.Sivanna

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to take action against respondents 5 to 7 to remove the encroachment in the common way towards the way to temple Shri.Lakshmi Venkataramana Swamy Temple and Market Street, also direct the fifth respondent to remove plastic wastages, food wastages, drainage water etc., stored near the marriage hall for which she has submitted appeal dated 01.03.2022, 21.12.2022, 05.07.2024 to the first respondent and marked copies to all other respondents 2, 3 and 5 to 7.

For Petitioner : Mr.C.Premkumar

For Respondents : Mr.T.K.Saravanan
Government Advocate for R1 to R3

Mr.N.R.R.Arun Natarajan
Spl. Govt. Pleader (HR & CE)
for R4



WEB COPY



W.P.No.34828 of 2024

ORDER

(Order of the Court was made by K.RAJASEKAR, J.)

This writ petition has been filed seeking a direction to respondents 1 to 3 and R4 i.e., the Assistant Commissioner of Hindu Religious and Charitable Endowments Department, Krishnagiri to remove the encroachments made in the common pathway which leads to Shri.Lakshmi Venkataramana Swamy Temple and market street of Madhagondapalli Village, Krishnagiri District.

2. According to the petitioner, she is residing on the southern side of the common pathway which is being used by her as well as other public to reach Shri.Lakshmi Venkataramana Swamy Temple, which is under the control of fourth respondent and that the said common pathway is alleged to have been encroached by the private respondents 5 to 7.

3. The learned counsel for the petitioner submits that due to the encroachment made by the private respondents, the village people are



W.P.No.34828 of 2024

WEB COPY

facing difficulty and further, the accumulation of plastic and food wastages from the marriage hall of one Mr.Venugopal is polluting the environment.

4. Issue notice to the official respondents.

5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) accepts notice for R4.

6. Mr.N.R.R.Arun Natarajan, learned counsel submits that land in which the alleged encroachment has been made is a common pathway leading to the temple and Mr.T.K.Saravanan, learned Government Advocate submits that survey would be conducted and if any encroachment is found, they would take appropriate action.

7. Considering the submission made by both counsel representing the official respondents, we direct R1 to R3 to conduct survey in the common pathway which leads to the temple after giving fair opportunity to private respondents and if there is encroachment, the official



W.P.No.34828 of 2024

WEB COPY

respondents shall proceed in accordance with law. We make it clear that we have not expressed any opinion on the claims of the parties and the right of using the alleged common pathway. The above exercise shall be completed by R1 to R3 within a period of 12 weeks from today.

With the above direction, this writ petition is disposed of. There shall be no order as to costs.

[M.S., J]

[K.R.S., J]

25.11.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

gpa



W.P.No.34828 of 2024

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WEB COPY



W.P.No.34828 of 2024

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W.P.No.34828 of 2024

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