



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 05-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.33605 of 2019

K.K.Sadhasivam

...

Petitioner

-VS-

1.The Tahsildar,
Kodumudi Taluk – 638 151,
Erode District.

2.The Revenue Divisional Officer,
Revenue Division Office,
Erode.

3.The District Collector,
District Collector Office,
Erode.

4.K.M.Periyasamy

5.Nehrusamy

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing respondents 1 to 3 to take action to remove the encroachments made and unauthorised constructions put up by respondents 4 and 5 on



the lands belonging to Arulmigu Vinayagar and Arulmigu Maha Mariamman temples in Natham SurveyNo.130/5 at Karuthipalayam, Itchipalayam Village, Thamaraipalayam Post – 638 152, Unjalur via Kodumudi Taluk, Erode District.

For Petitioner : Mr.K.Rajasekaran

For Respondents 1 to 3 : Mr.J.Ravindran,
Addl. Advocate General,
assisted by
Mr.A.Selvendran,
Special Government Pleader.

For Respondents 4 & 5 : Mr.Md.Ismail

ORDER

(By *S.Vaidyanathan,J.*)

Petitioner has come forward with this Writ Petition praying to direct respondents 1 to 3 to take action to remove the encroachments made and unauthorised constructions put up by respondents 4 and 5 on the lands belonging to Arulmigu Vinayagar and Arulmigu Maha Mariamman temples in Natham SurveyNo.130/5 at Karuthipalayam, Itchipalayam Village, Thamaraipalayam Post – 638 152, Unjalur via Kodumudi Taluk, Erode District.

2. When the matter is taken up for hearing, Mr.A.Selvendran, Special Government Pleader, appearing for the official respondents, has submitted that the authorities will conduct an inquiry into the matter, apart from spot survey.



3. In view of the submission made by the learned Special Government Pleader, the respondent authorities are directed to conduct an inquiry into the matter, apart from spot survey, and, after hearing all the parties, who are likely to be affected, including the petitioner, take a decision within two months from the date of receipt of this order. If the matter is not concluded within the time stipulated, it is open for the aggrieved person to file contempt against the officials and it is for the Court to decide, at that stage, whether there is wilful and deliberate disobedience of the orders of this Court.

4. We make it very clear that the authorities are to adhere to the mandatory directions given by the Madurai Bench of this Court in W.P.MD.No.16120 of 2023, dated 30.08.2023, failing which they will have to face the consequences. In case encroachments are found and encroachers resist their removal, necessary assistance may be taken by the authorities from local police for the said purpose.

5. Writ Petition is disposed of accordingly. No costs.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
05-01-2024



To

- 1.The Tahsildar,
Kodumudi Taluk – 638 151,
Erode District.
- 2.The Revenue Divisional Officer,
Revenue Division Office,
Erode.
- 3.The District Collector,
District Collector Office,
Erode.



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