



WEB COPY



W.P.(MD) No.2680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.2680 of 2024

and

W.M.P.(MD)No.2691 of 2024

Pandiyarajan

... Petitioner

-Vs-

The Tahsildar,
Palani Taluk, Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the respondent by his proceedings in Na.Ka.No.9317/2017/C2, dated 31.01.2024 insofar as the petitioner is concerned and quash the same as illegal.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.Veera.Kathiravan,
Additional Advocate General,
assisted by Mr.S.P.Maharajan,
Special Government Pleader



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ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The eviction notice dated 31.01.2024 issued by the respondent is under challenge in this Writ Petition.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, the property in T.S.No.861/2, Block No. 19, Ward No.3, to an extent of 18 cents at Palani, was originally belonged to one Manicka Swamy and thereafter, the same was bequeathed by a registered Will dated 16.11.1915 in favour of Sari Palaypattu Samathur Kottampatti Jameen, namely, Vanavaraya Jameen. Out of total 18 cents, in 5 cents a mutt is situated and in the remaining 13 cents, Sri Panjamuga Vinayagar and Sri Thannasiappan Temple are situated and on both sides of the temples, some shops are situated and the same are rented out. As such, the property in question is in the legal possession and enjoyment of Vanavaraya Jameen family from the year 1915. Therefore, he seeks quashment of the eviction notice issued by the respondent.



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4.Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.S.P.Maharajan, learned Special Government Pleader would submit that in Giri Veethi, in front of patta lands, some shops and temples are constructed illegally and the shop owners are running commercial business in Giri Veethi.

5.Though the Palani Devasthanam is not impleaded as party in this Writ Petition, Mr.R.Baranidharan, learned Standing Counsel appearing for the Devasthanam, has stated that the Devasthanam is only concern about the shops, not the temples.

6.Considering the submissions made on either side, we are of the view that since the shops are running unauthorizedly, the authorities concerned are directed to remove the shops and insofar as the construction of the temples is concerned, since the petitioner alleges that the temples are situated in patta land, he is permitted to submit his objection / explanation before the Revenue Divisional Officer, Palani Taluk, Dindigul District, who in turn is directed to consider the same and conduct a survey in the property in question with the assistance of the Taluk Surveyor, after issuing notice to all the parties concerned. During survey, if it is found that there is an encroachment, the impugned notice



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shall give effect to removal of the encroachment. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Till such time, demolition of temples is alone stayed.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]

07.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

The Tahsildar,
Palani Taluk,
Dindigul District.

Copy to:

The Revenue Divisional Officer,
Palani Taluk, Dindigul District.



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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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