



W.P.(MD) No.3248 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD)No.3248 of 2024

and

W.M.P.(MD)No.3214 of 2024

Chellapandian

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Special District Revenue Officer (LA),
Office of the District Revenue (LA),
Maharaja Nagar, Tirunelveli District.

3.The Divisional Engineer,
National Highways,
Chennai-Kanyakumari Industrial Road
Development Scheme,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd respondent from removing the petitioner's ancestral family deity and its temple situated at 6th Main Road, Puthukudi Panchayat, Cheranmagadevi Panchayat Union, Tirunelveli District in pursuance of the petitioner's representation dated 31.07.2023 forthwith.

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For Petitioner : Mr.S.Palanivelayutham
For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

The prayer sought for in this Writ Petition is to forbear the 2nd respondent from removing the petitioner's ancestral family deity and its temple situated at 6th Main Road, Puthukudi Panchayat, Cheranmagadevi Panchayat Union, Tirunelveli District in pursuance of the petitioner's representation dated 31.07.2023 forthwith.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The learned Additional Government Pleader for the respondents would submit that the land, where the temple ie., family deity as claimed by the petitioner is located, belongs to the Highways Department and in view of road expansion project, the temple is to be shifted to any other place at the whims and fancies of the petitioner.



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4. However, the learned counsel for the petitioner would submit that it is the family deity of the petitioner and hundred families are worshipping the temple and more than 100 years, the temple is located. Therefore, it cannot be easily shifted to any other place. He would further submit that if the respondents come forward to give any alternative land, the petitioner is ready and willing to shift the temple in question.

5. We have considered the submissions made by both sides.

6. Insofar as the land, where the temple is located, admittedly belongs to the Highways Department, for which, the Highways Department is the owner and for expansion of the road project, which is in the public interest, this kind of encroachment can be removed.

7. Normally, if any such occupants are being vacated from the land belongs to the Highways Department, compensation would not be paid, but in this case, since it is a temple, for making alternative construction in the alternative place, the respondents, especially, Highways Department had come forward to pay compensation and to that extent a sum of Rs.3,54,027/- (Rupees Three Lakhs Fifty Four Thousand and Twenty Seven Only) has been ordered and the same can very



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well be withdrawn by the petitioner at any time for the construction of the temple in the alternative place.

8.Insofar as the alternative land is concerned, it is for the petitioner to find out an alternative place and if at all any alternative land is available for shifting the temple, we feel that some breathing time can be given, within which, the petitioner shall shift the temple in the alternative land.

9.As the compensation has been paid by the 3rd respondent Highways Department, out of the said amount, construction could be made for locating the temple in the alternative land, which could also be made later on, but as present, since the land in question is required for road expansion, within a period of thirty (30) days, shifting must be taken place, for which, the petitioner shall co-operate with the respondents. Hence, there shall be a direction to the petitioner to shift the temple in question to any alternative place, within a period of thirty (30) days from the date of receipt of a copy of this order.

10.The compensation amount since has already been made available, it is open to the petitioner to withdraw the same and out of the said amount, in the alternative place, temple construction can also be undertaken.



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11. With these directions, this Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] & [G.A.M., J.]
10.04.2024

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

Yuva

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Special District Revenue Officer (LA),
Office of the District Revenue (LA),
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3. The Divisional Engineer,
National Highways,
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