



W.P.(MD).No.361 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH  
AND  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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S.M.Anthony Muthu

... Petitioner

Vs.

- 1.The Joint Commissioner/Executive Officer,  
(Incorporated and Unincorporated Devosam Temples),  
Hindu Religious and Charitable Endowment Department,  
Sushandrum, Kanyakumari District.
- 2.The Manager/Srikariam,  
Arulmigu Bhagavathi Amman Temple,  
Mandaikadu Post,  
Kanyakumari District.
- 3.Sakthi Sadan Guest House,  
Rep. by its Proprietor,  
East of Bhagavathiamman Temple,  
Mandaikadu & Post,  
Kanyakumari District.
- 4.Sridevi Kala Mantram,  
(Reg.No.7/91), Rep. by its President,  
East of Bhagavathiamman Temple,  
Mandaikadu & Post,  
Kanyakumari District.



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5. Vijayan,  
Petty Shop Owner,  
Sakthi Sadan Guest House Compound,  
East of Bhagavathiamman Temple,  
Mandaikadu & Post, Kanyakumari District.

6. Vishvanarayana Tourist Home,  
Rep. by its Proprietor,  
East of Bhagavathiamman Temple,  
Mandaikadu & Post,  
Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 to survey, demarcate the boundary and remove the encroachments in the vicinity of Mandaikadu Bhagavathi Amman Temple comprised in R.S.No.75/14 of Mandaikadu Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.C.T.Perumal  
For R-1 & R-2 : Mr.J.Ashok  
Additional Government Pleader  
For R-3 : Mr.S.Balamurugan  
For R-4 to R-6 : No appearance

**ORDER**

**(Order of the Court was made by M.S.RAMESH,J.)**

Alleging that there are encroachments in R.S.No.75/14 of Mandaikadu Village, Kalkulam Taluk, Kanyakumari District, the present Writ Petition has been filed for a direction to the respondents 1 and 2 to survey and demarcate the boundaries over the subject property.



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2. The first respondent has filed a counter affidavit, wherein, it is stated that they had surveyed the property by engaging the Devaswom Engineer and Surveyor in the presence of the Joint Commissioner/Executive Engineer, H.R. and C.E., Suchindrum, Devaswom Superintendent and Sree Kariyam with the help of the revenue officers and found that there are no encroachments in the temple property. Thus, the apprehension of the petitioner herein seems to be on a misconception of facts. Hence, no consideration of the prayer is required.

3. Accordingly, this Writ Petition stands closed. There shall be no order as to costs.

**(M.S.R.,J.) (A.D.M.C.,J.)**  
**11.12.2024**

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

To  
The Joint Commissioner/Executive Officer,  
(Incorporated and Unincorporated Devosam Temples),  
Hindu Religious and Charitable Endowment Department,  
Sushandrum, Kanyakumari District.



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**M.S.RAMESH,J.**  
**and**  
**A.D.MARIA CLETE,J.**

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