



W.P(MD)No.13244 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.13244 of 2020
and
W.M.P(MD)Nos.11079 & 11080 of 2020**

S.Lakshmi

... Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
- 2.The Tahsildar,
Palani Taluk Office,
Dindigul District.
- 3.The Revenue Inspector,
Palani Taluk Office,
Palani Taluk,
Dindigul District.
- 4.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai – 600 034.



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5.The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapaniswamy Thirukovil,
Palani Town, Dindigul District.

... Respondents

(R-4 and R-5 are *suo motu* impleaded vide
order dated 05.10.2020)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the third respondent dated 19.09.2020 and quash the same as illegal and unconstitutional and consequently forbearing the respondents from dispossessing the petitioner from the shop comprised in T.S.No.864, Palani Town, Palani Taluk, Dindigul District without following due process of law.

For Petitioner	: Mr.S.Ramsundar Vijayraj
For Respondent Nos.1 to 4	: Mr.S.P.Maharajan Special Government Pleader
For Respondent No.5	: Mr.R.Murali

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The notice dated 19.09.2020 issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, directing the petitioner to remove the encroachment made by her in the property comprised in T.S.No.864, Palani Town, Palani Taluk, Dindigul District is under challenge in this Writ Petition.

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2. According to the petitioner, originally the subject land comprised in T.S.No.864 of Palani Town, was a larger extent ie., 0.60.14 hectares of which, the petitioner's husband was doing business in the name of Sakthi Vinayagar Hotel to an extent of 0.00.20 hectares, for the last two decades. Since the petitioner's husband died, she converted the said hotel premises and started a new business in the name and style of Sakthi Ganapathi Abisheka Stores. While so, during the year 1975, the Temple authorities initiated proceedings for eviction of all shop holders near the Temple premises more fully comprised in Survey No.864. Aggrieved over the same, the shop owners filed a suit in O.S.No.163 of 1975 on the file of the Sub Court, Palani, Dindigul District and the same was dismissed on 13.12.1975. Aggrieved over the same, an appeal suit was preferred in A.S.No.61 of 1978 on the file of the Additional District Court, Madurai, which was also dismissed on 22.02.1979. Aggrieved over the same, the shop owners filed a second appeal in S.A.No.880 of 1986 on the file of this Court, wherein originally interim injunction was granted and subsequently, the same was vacated on 07.09.1983. Hence, the Temple authorities have again taken steps to evict various shops. In the mean time, one Radhakrishnan has filed a Public Interest Litigation in W.P(MD)No.23598 of 2017 and this



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Court by order dated 26.03.2018, disposed of the Writ Petition directing the Temple authorities to take suitable action for removal of illegal encroachments in Giri Veedhi and there was a further direction that the Temple authorities should ensure that the said Giri Veedhi is free from further encroachments. Pursuant to the same, the third respondent issued the impugned notice, dated 19.09.2020 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, which is under challenge in the present Writ Petition.

3.The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that as per the revenue records, the subject land is classified as Temple poramboke.

4.In view of the abovesaid submission, we are of the view that the petitioner cannot have any right to challenge the notice issued under Section 7 of the Tamil Nadu Encroachment Act. If at all the petitioner has any objection, he may submit an application before the authority concerned within a period of one week from the date of receipt of a copy of this order. On receipt of the objection, if any, the second respondent/the Tahsildar is directed to consider the same and take appropriate action at the earliest,

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preferably, within a period of two weeks from the date of receipt of the objection.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
21.03.2024
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NCC : Yes / No
Index : Yes / No
ps



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and
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ORDER MADE IN
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