



W.P.(MD) No.13387 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.13387 of 2024
and
W.M.P.(MD) No.11813 of 2024

The Executive Officer,
Arulmigu Thiruvilanji Kumarar Temple,
Ilanji,
Tenkasi District.

... Petitioner

/vs./

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Executive Officer,
Town Panchayat,
Ilanji,
Tenkasi District.

3.The Tahsildar,
Tenkasi.

*(R3 has been suo motu impleaded
by this Court vide order dated
24.06.2024)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent herein to take appropriate steps to remove the encroachments made by the 2nd respondent in S. No.1345/B, situated at Ilanji Village, Tenkasi Taluk and Tenkasi District belonging to the writ petitioner temple, within the time limit fixed by this Court.

For Petitioner : Mr.A.L.Kannan

For R1 : Mrs.S.Jeyapriya
Government Advocate

For R2 : Mr.J.K.Jayaselan
Government Advocate

ORDER

Heard Mr.A.L.Kannan, learned counsel for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate for the first respondent and Mr.J.K.Jayaselan, learned Government Advocate for the second respondent.

2.The petitioner has already initiated proceedings against the second respondent under Section 78 of the HR & CE Act, 1959 in M.P.No.144 of 2024.



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3. Notice has also been served on the second respondent. However, without awaiting for the orders, the second respondent is in hurry to put up a small bridge and a road *prima facie* encroaching the temple land.

4. It is at this stage, the second respondent appears to have sent a letter to the Tahsildar, Tenkasi to take suitable steps for surveying the land. *Prima facie*, the proposed construction by the second respondent without proper records to establish the ownership of the second respondent over the land is illegal.

5. For the purpose of issuing direction, this Court *suo motu* impleads the Tahsildar, Tenkasi as third respondent.

6. Considering the same, the second respondent is directed to keep all the constructions in abeyance pending survey of the land by the Surveyor and further orders in M.P.No.144 of 2024. It is open for the second respondent to have the land surveyed by the third respondent in the presence of the petitioner. The third respondent is directed to survey the land along with Surveyor in the presence of



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the representatives of the petitioner. All further constructions may be subject to the further orders in M.P.No.144 of 2024.

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

Index : Yes / No
Internet : Yes / No
mm

24.06.2024

To

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Executive Officer,
Town Panchayat,
Ilanji,
Tenkasi District.



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C.SARAVANAN, J.

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24.06.2024