



W.P(MD)No.17837 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.17837 of 2024

and

W.M.P.(MD)Nos.15282 and 15283 of 2024

Saliyar Mahajana Sangam,
Jakkampatti, Aundipatti Post,
Theni District,
Rep by its President,
S.Ramaraj.

... Petitioner

Vs.

- 1.The District Collector,
Theni District,
Theni.
- 2.The Tashildar,
Aundipatti Taluk,
Theni District.
- 3.The Tashildar,
Aundipatti Taluk,
Theni District.
- 4.The Assistant Commissioner,
HR & CE Department,
PC Patti, Theni.



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5.The Fit Person / Executive Officer,
Arulmigu Dharamasastha Temple,
Thimmarasanaickanur,
Arulmigu Muthumariamman Temple,
Jakkampatti, Theni District.

6.A.Ramasamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling the records relating to the proceedings of the 3rd respondent made in Na.Ka.No.830/2022, dated 19.07.2024 and quash the same.

For Petitioner : Mr.K.Govindarajan,
For Mr.K.Murali.

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.T.Chandrasekaran for R4 & R5.

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the respondents 4 and 5.

2.The petitioner challenges the impugned communication issued by the local body calling upon the petitioner to remove the encroachment committed on Old S.No.2333.



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3.The learned Special Government Pleader made available copy of the “A” register. It is seen therefrom that Old S.No.2333 measuring an extent of 2.61.01 Hectares has been classified in its entirety as “Oorani”. We therefore cannot condone any encroachment committed in respect of a water body. It is however stated that a temple has been built some 100 years ago in the said survey number. It is also stated that a number of public buildings have also been put up in the very same survey number. We make it clear that except temple, no other buildings shall be spared. The petitioner will not be selectively targeted. If demolition is to be carried out, all the buildings put up in the said survey number except the temple shall also be demolished. The writ petition is dismissed with the aforesaid observations. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S.J.) & (B.P.J.)
30.07.2024

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



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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

To:-

- 1.The District Collector,
Theni District,
Theni.
- 2.The Tashildar,
Aundipatti Taluk,
Theni District.
- 3.The Tashildar,
Aundipatti Taluk,
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