



W.P.(MD)No.19842 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM:

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR,
ACTING CHIEF JUSTICE
AND
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.19842 of 2024
WMP(MD)Nos.16816 of 2024 & 16817 of 2024**

Thangammal N.

.. Petitioner

vs.

1.The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapaniswamy Temple,
Palani, Dindigul District.

2.The Assistant Commissioner,
Arulmigu Dhandayuthapaniswamy Temple,
Palani, Dindigul District.

3.The Revenue Divisional Officer,
Palani, Dindigul District.

4.The Tahsildar,
Palani Taluk,
Dindigul District.

5.The Inspector of Police,
Palani, Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,



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praying for a Writ of Mandamus forbearing the respondents 1 and 2 from dispossessing and evicting from the petitioner's shop situated at T.S.No.863 with an extent of 1772 Sq.feet at Block No.20, Ward No.3, Palkavadi Madam, Adivaram, Palani, Dindigul District, which is a patta land over which the respondents 1 and 2 under the guise of encroachment of temple land without any jurisdiction that too without even following due process of law.

For Petitioner : Mr.H.Arumugam,
for Mr.B.Sargunam

For Respondents : Mr.R.Bharanidaran for R1 and R2
Mr.Veerakathiravan,
Additional Advocate General
assisted by
Mr.N.Satheesh Kumar,
Additional Govt. Pleader for R3 & R4
Mr.T.Senthilkumar for R5

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, ACJ.*]

This Writ Petition has been filed for a Mandamus forbearing the respondents 1 and 2 from dispossessing and evicting from the petitioner's shop situated at T.S.No.863 with an extent of 1772 Sq.feet at Block No.20, Ward No.3, Palkavadi Madam, Adivaram, Palani, Dindigul District, which is a patta land over which the respondents 1 and 2 under the guise of encroachment of temple land without any jurisdiction that too without even following due process of law.



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2. During the last hearing, learned counsel for the petitioner submitted before this Court that the petitioner is not doing any commercial activities in the property in question and also undertakes to file an affidavit to that effect. Today when the matter is called, the petitioner has not filed any undertaking affidavit before this Court.

3. A Division Bench of this Court in W.P.(MD) No.17889, 18047 to 18049 and 19393 to 19394 of 2013 dated 10.02.2014 has prohibited commercial activities in the mountain path and it is not open to any authority, be it a Devasthanam Board or the Government or the District Administration or the Local Body to grant permission for carrying out any commercial activity in the Giriveedhi. This Court has also reiterated the same in its various earlier orders passed in Cont.P.(MD) No.1671 of 2018. Therefore, the prayer sought for by the petitioner cannot be granted. This Court has disposed of the other writ petition filed by the petitioner in W.P.(MD)No.17849 of 2022 with liberty to approach the DRO and to agitate all the grounds before the Appellate Authority.

4. In such circumstances, this Writ Petition stands dismissed. It is made



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clear that subject to the outcome of the order passed on the appeal before the Appellate Authority / DRO, it is open to the petitioner to seek appropriate remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are dismissed.

(D.K.K., ACJ.) (R.V., J.)
20.09.2024

Intex : Yes/No
Internet : Yes/No
Jvm

To

- 1.The Joint Commissioner / Executive Officer,
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Palani, Dindigul District.
- 2.The Assistant Commissioner,
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Palani, Dindigul District.
- 3.The Revenue Divisional Officer,
Palani, Dindigul District.
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D.KRISHNAKUMAR, ACJ.
and
R.VIJAYAKUMAR, J.



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