



W.P(MD)No.24834 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM:

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

**W.P(MD)No.24834 of 2018
and
W.M.P(MD)No.22509 of 2018**

T.Amirtaraj

... Petitioner

VS.

1.The District Collector,
Trichy District,
Trichy.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

3.The Executive Officer,
S.Kannanur Town Panchayat,
Manachanallur Taluk,
Trichy District.

4.The Joint Commissioner/Executive Officer,
Arulmighu Sri Samayapuram Mariamman Temple,
Samayapuram,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3

1/7



W.P(MD)No.24834 of 2018

WEB COPY

herein to remove the illegal encroachments made in the Town Panchayat Government property comprised in Survey No.266, situated at S.Kannaur Town Panchayat, Manachanallur, Trichy District made by the fourth respondent without getting prior approval from the competent authorities by considering the representation given by the petitioner dated 28.11.2018.

For Petitioner	: Mr.K.M.Karunakaran
For Respondent Nos.1 & 2	: Mr.T.Amjadkhan Government Advocate
For Respondent No.3	: No appearance
For Respondent No.4	: Mr.R.Murali

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to remove the illegal encroachments made in the Town Panchayat Government property comprised in Survey No.266, situated at S.Kannaur Town Panchayat, Manachanallur, Trichy District made by the fourth respondent without getting prior approval from the competent authorities, by considering the representation given by the petitioner dated 28.11.2018.

2/7



W.P(MD)No.24834 of 2018

WEB COPY

2. According to the petitioner, the Government land comprised in Survey No.266 measuring an extent of 10,000 sq.ft belonged to S.Kannanur Town Panchayat and all the Villagers and devotees visiting Samayapuram Mariamman Temple have been using the abovesaid property especially during the Temple festivals. While so, the fourth respondent has started to construct buildings illegally over the property belonging to the third respondent Panchayat without any approval from the authorities concerned. In this regard, the Villagers sent a detailed representation to the authority concerned on 16.12.2016. The third respondent vide proceedings dated 16.12.2016 directed the fourth respondent not to construct any building over the third respondent's property and the fourth respondent sent a reply dated 16.12.2016 to the third respondent alleging that there is no construction carried in South street of Ratha Veethi. However, the fourth respondent, without obtaining any prior permission from the higher authorities, constructed the building illegally on the property belonging to the third respondent. Again the third respondent sent another communication dated 13.08.2018 to the fourth respondent stating that not to conduct any auction for leasing the shops constructed in the land belonging to the third respondent. In spite of such requests and several



W.P(MD)No.24834 of 2018

WEB COPY

communications, the fourth respondent is making hectic efforts to conduct auction for letting out the shops and further proceeding with the matter. With regard to the same, the petitioner sent a representation dated 28.11.2018 to the respondents 1 to 3. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the fourth respondent-Temple would submit that there is a mistake in the Revenue records committed at the time of UDR. Therefore, necessary action will be taken for rectification of the mistake by filing appropriate application before the District Revenue Officer and therefore, seeks time to approach the District Revenue Officer

4.In view of the statement made by the fourth respondent, we are inclined to pass the following orders:

'(i) It is open to the fourth respondent-Temple to submit an application before the District Revenue Officer within a period of two weeks from the date of receipt of a copy of this order.



W.P(MD)No.24834 of 2018

WEB COPY

(ii) The fourth respondent Temple has to get necessary orders from the Revenue Department for getting the said UDR entries rectified within a period of eight weeks from the date of receipt of the application.

(iii) Failing which, the third respondent is directed to proceed with the same for taking action for illegal construction in the manner known to law.

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

[D.K.K.,J.] [R.V.,J.]
31.01.2024

NCC : Yes / No
Index : Yes / No
ps



W.P(MD)No.24834 of 2018

WEB COPY

To

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 3.The Executive Officer,
S.Kannanur Town Panchayat,
Manachanallur Taluk,
Trichy District.
- 4.The Joint Commissioner/Executive Officer,
Arulmighu Sri Samayapuram Mariamman Temple,
Samayapuram,
Trichy District.



WEB COPY



W.P(MD)No.24834 of 2018

D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.24834 of 2018

DATED : 31.01.2024