



W.P.(MD) No.23703 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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K.Karamani

... Petitioner

-VS-

- 1.The District Collector,
Monitoring Committee,
O/o. The District Collector,
Madurai,
Madurai District.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Madurai,
Madurai District.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Tirumangalam,
Madurai District.
- 4.The Tahsildar,
O/o. The Tahsildar,
Thirupparankundram Taluk,
Madurai.

5.Malaisamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to remove the



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encroachments made by the 5th respondent in Survey No.9/6 an extent of 00.13.50 Ares situated in Valayankulam Village, Thirupparankundram Taluk, Madurai District by considering the petitioner representation dated 24.09.2024 to pass suitable orders in the above matter on merits in accordance with law.

For Petitioner : Mr.S.Mukesh
For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 4.

2.It is the claim of the petitioner that the fifth respondent has encroached upon the tank and has put up construction.

3.The learned Government Pleader upon instructions would submit that Survey No.9/6, measuring about 0.27.5 Hectares has been classified as 'Karuppasamy Kovil Oorani'. An extent of about 14 Ares has been acquired for the purposes of laying Mattuthavani – Thirumangalam four lane road. Remaining 0.13.5 Hectares continuous to be tank.

4.It is also stated that the fifth respondent has constructed four small structures (பீடங்கள்) and has been worshipping the Deity Karuppasamy.



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5.This cannot be considered as an encroachment in the Oorani. It is very common, in this part of the State, for people to put up small structures and worship their Village Deities like, Karuppasamy and Ayyanar. We do not think Article 226 jurisdiction can be used to remove such structures, which will offend the religious feelings of majority of people. Hence, we do not find any merit in the Writ Petition. The Writ Petition fails and it is accordingly, dismissed. No Costs.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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and
L.VICTORIA GOWRI, J.

Mrn

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