



WP(MD). No.30758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 18/12/2024

CORAM

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

WP(MD). No.30758 of 2024

R.Mayilsamy

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by its Secretary,
(In the Rank of
Additional Chief Secretary)
Department of Tourism, Culture and Religious
Endowments,
Government of Tamilnadu.
Fort St. George,
Chennai 600 009.

2. The Commissioner,
Hindu Religious and Charitable Endowment,
119, Mahatma Gandhi Road,
Nungambakkam,
Chennai 600 034..

3. The District Collector,
Collectorate Building.
Madurai- 625 020..



WP(MD). No.30758 of 2024

4. The Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Thallakulam.
Madurai - 625 002..

5. The Revenue Divisional Officer,
Collectorate Building.
Madurai- 625 020..

6. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
B-1 Road, Eliss Nagar,
Madurai. 625 016..

7. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
B-1 Road, Elise Nagar,
Madurai. 625 016..

8. The Assistant Commissioner,
Zone 3 (Cenral),
Madurai Corporation Central Office,
West Marret Street,
Madurai 625 001..

9. Arulmigu Sri Prasanna Venkatesa Perumal Temple Trust,
2, Therku Krishnankovil Street,
S.Krishnan Koil Street,
Madurai Main,
Madurai 625 001..

10. N.Manimaran

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of MANDAMUS or any other



WP(MD). No.30758 of 2024

order or direction in the nature of the Writ, directing the respondents No. 1 to 8 herein to remove the encroachment and unauthorized construction made by the 10 respondent Situated at No. 70, Thiruparankundram Road (AA Rathinapuram Road), Madurai -11, Old Patta No. 478, T.S. No. 2001, Ward No. 75, Zone 3 (Central), Madurai City total extend of 1 Acre and 81 Cents by consider the petitioners representation dated 07.12.2022 within stipulated time fixed by this Court.

For Petitioner : M/s.J.M.Arvind Pawlraj

For Respondents : Mr.P.Thilak Kumar for R1 to R3,
Government Pleader and R5 to R8

Mr.K.K.Sivabalan for R3 and R6

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse order is going to be passed against the 10th respondent, notice to the 10th respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents Nos. 1 to 8 herein to remove the encroachment and



WP(MD). No.30758 of 2024

unauthorized construction made by the 10 respondent Situated at No. 70, Thiruparankundram Road (AA Rathinapuram Road), Madurai -11, Old Patta No. 478, T.S. No. 2001, Ward No. 75, Zone 3 (Central), Madurai City total extend of 1 Acre and 81 Cents by consider the petitioners representation dated 07.12.2022 within stipulated time fixed by this Court.

4. In order to remove the encroachment and unauthorized construction alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 07.12.2022. Pursuant to the said representation, communication has been issued by the respondents and the local body Ombudsman issued directions vide order dated 19.01.2023 to resume the temple land from the encroachers. However, since no action has been taken so far, the petitioner is before this Court.

5. Since there is a considerable lapse of time after the earlier representation was made and the communication issued by the official respondents, the petitioner herein is granted liberty to give a fresh



WP(MD). No.30758 of 2024

representation to the concerned respondent, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent, as well as any other persons, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondent to consider the same, on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J] [A.D.M.C.,J]
18.12.2024

NCC : Yes/No
Index : Yes/No
RR



WP(MD). No.30758 of 2024

To

1. The Secretary,
Department of Tourism, Culture and Religious Endowments,
Government of Tamilnadu.
Fort St. George,
Chennai 600 009.

2. The Commissioner,
Hindu Religious and Charitable Endowment,
119, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034..

3. The District Collector,
Collectorate Building.
Madurai- 625 020..

4. The Revenue Divisional Officer,
Collectorate Building.
Madurai- 625 020..

5. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
B-1 Road, Eliss Nagar,
Madurai. 625 016..

6. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
B-1 Road, Elise Nagar,
Madurai. 625 016..



WEB COPY



WP(MD). No.30758 of 2024

M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

WP(MD).No.30758 of 2024

18.12.2024