



W.P.(MD) No.13604 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**W.P.(MD) No.13604 of 2025
and
W.M.P.(MD) No.9804 of 2025**

R.Rajendran

... Petitioner

-VS-

- 1.The District Collector
Thanjavur District
Thanjavur
- 2.The District Revenue Officer
Thanjavur District
Thanjavur
- 3.The Revenue Divisional Officer
Pattukottai, Thanjavur District
- 4.The Tashildar
Pattukottai
Thanjavur District
- 5.The Assistant Executive Engineer
PWD Department
Peravoorani
Thanjavur District



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6.The Assistant Engineer
Water Resource Department
Grand Anaicut Canel Division
(Kallanai Kalvaai Pirivu)
Ottankadu

7.C.Malarrajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining Form II notice dated 19.04.2025 and Form III notice dated 21.04.2025 issued by the sixth respondent and quash the same and consequently direct the respondents 1 to 6 to conduct enquiry by following the principles in laid down in T.S.Senthil Kumar vs. Government of Tamil Nadu [2010 (3) MLJ 77], T.K.Shanmugam vs. The State of Tamil Nadu [2015 (5) LW 397] thereby permitting the petitioner and other interested persons of the village to provide their objections relating to classification of the Arch Pillar at the entrance of Sri Venugopala Swamy Thirukovil in Pallathur, Aladikadu Village, Pattukottai, Thanjavur District, as encroachment and thereafter conclude the enquiry within a time frame fixed by this Court by providing personal hearing to the petitioner and other interested persons.

For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.A.Kannan
Additional Government Pleader for R1 to R6



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ORDER

[Order of the Court was made by M.DHANDAPANI, J.]

Challenging the Form-II dated 19.04.2025 and Form-III dated 21.04.2025, issued by the sixth respondent, the petitioner has filed this writ petition.

2. Mr.A.Kannan, learned Additional Government Pleader, takes notice for the respondents 1 to 6.

3. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioner, notice to the private respondent is dispensed with.

4. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

5. Learned counsel for the petitioner would submit that the petitioner is a worshipper of Sri Venugopala Swamy Thirukovil situated at Pallathur, Alladikadu Village. The said temple is an 100 years old temple. In



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order to mark a permanent symbol of the origin of the said temple, the village people decided to put up an arch in the entrance leading to the temple. Accordingly, the village people approached the Public Works Department and the Revenue Department seeking permission to put up an arch in the subject land. Based on their request, the said authorities granted oral permission to the villagers to put up an arch. Pursuant to such permission, the villagers started construction of the arch. However, the sixth respondent issued the impugned notices directing removal of the arch as it is being constructed in the water channel. Challenging the same, the present writ petition.

6. However, learned counsel for the petitioner fairly submitted that since subsequently it came to know that the land, where the arch is being constructed is classified as “Water Channel”, this Court may grant liberty to the petitioner to make appropriate representation to the authorities concerned seeking to put up the arch in the unobjectionable place.

7. Learned Additional Government Pleader appearing for the respondents 1 to 6 has no objection to grant such liberty to the petitioner.



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8. In view of the above, though we are not inclined to grant the relief sought for by the petitioner in this writ petition, we are inclined to grant liberty to the petitioner to make appropriate representation to the authorities concerned to put up the arch in the unobjectionable place for the benefit of the temple.

9. Accordingly, this writ petition is disposed of granting liberty to the petitioner to make appropriate representation to the authorities concerned seeking to put up the arch in the unobjectionable place for the benefit of the temple. On submission of such representation, the same shall be considered by the authorities concerned in accordance with law as expeditiously as possible. The Public Works Department / fifth respondent is directed to remove the arch, which is being constructed in the land in question, in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[M.D.I., J.] [R.S.V., J.]
09.05.2025

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

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