



W.P.(MD)No.31884 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.11.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

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M.Krishnan @ Kicha

... Petitioner

Vs.

1. The Additional Secretary,
Revenue and Disaster Management Department,
Land Disposal Wing, LD-6(2) Section,
Secretariat, Chennai.
2. The District Collector, Madurai District.
3. The Commissioner,
Melur Municipality,
Madurai District.
4. The District Revenue Officer,
Madurai District.
5. The Revenue Divisional Officer,
Melur @ Narasingampatti,
Melur Taluk, Madurai District.
6. The Tahsildar,
Melur Taluk,
Madurai District.

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7. The Superintendent of Police,
Madurai District.

8. The Inspector of Police,
Melur Police Station,
Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from taking any coercive steps to demolish or remove the Sri Selva Vinayagar Temple situated in TS No.115, Anumarkovil Street, Melur, Madurai District in the nature of proceedings under the guise of removal of encroachment pending disposal of the Statutory Revision preferred by the petitioner dated 22.04.2025 pending before the 1st respondent.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.M.Sarangan (R1 to R6)

Additional Government Pleader

Mr.M.Karunanithi (R7 & R8)

Government Advocate

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

The prayer of the petitioner is for a mandamus forbearing the respondents from taking coercive steps to demolish Sri Selva Vinayagar



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Temple in TS No.115, Anumarkovil Street, Melur, Madurai District ('temple' / ' temple in question').

2. The petitioner claims to have instituted this writ petition in public interest. He also claims that the temple is more than a century old and that he is the founder and Managing Trustee of the trust, which manages the temple.

3. The proceedings had been initiated by the authorities at the instigation of one of the relatives of the petitioner for removal of the temple on the ground that it encroaches upon a public pathway situated in TS No.115. The petitioner has defended the same albeit unsuccessfully.

4. A civil suit in OS No.186 of 2023 seeking a permanent injunction is also pending before the District Munsif Court, Melur. One Gopinath, the petitioner's relative, who instigated the issue, has filed WP(MD)No.21887 of 2023, alleging encroachment. Based on surveys and in line with the principles of natural justice, a report has been filed by the authorities to the effect that the temple is in encroachment.

5. The petitioner countered the litigation by way of a writ



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petition in WP(MD)No.1882 of 2024 challenging the notice issued by the authorities under Section 128 (1)(b) and (2) of the Tamil Nadu Urban Local Bodies Act, 1998, and the authorities were directed to re-do the enquiry after affording an opportunity to him.

6. Based on the aforesaid litigation, the authorities have passed an order and the petitioner has also moved the revisional authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and a petition for interim protection has also been filed. While so, the authorities appeared to have reiterated the coercive action for removal of the encroachment.

7. This is as early as in June and July 2025, but the present writ petition has been instituted only now. We are hence disinclined to consider the same for several reasons.

8. Firstly, the petitioner has approached the statutory authorities and hence, must pursue his remedy there. The present writ petition is hence not maintainable.

9. Secondly, the notices based on which the mandamus is now sought have been issued more than 4 / 5 months ago and hence, the



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present writ petition is also hit by laches.

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10. However, bearing in mind the plea of the petitioner that if the temple is demolished, the revision filed would become infructuous, there is a direction to the Additional Secretary, Revenue & Disaster Management Department, Secretariat, Chennai / R1, to hear the petitioner on the application for interim protection alone, within a period of four weeks from today and pass orders in accordance with law.

11. Let coercive action not be reiterated for a period of four weeks, or till the orders are passed by the Additional Secretary, Revenue & Disaster Management Department, Secretariat, Chennai / R1, on the interim application, whichever is earlier.

12. This writ petition is dismissed with the direction as aforesaid. No costs.

[A.S.M.J.] & [C.K.J.]
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NCC :Yes/No
Index :Yes/No
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AND

C.KUMARAPPAN, J.

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To

1. The Additional Secretary,
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