



W.P.(MD)No.34690 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **28.11.2025**

CORAM:

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

W.P.(MD)No.34690 of 2025
& WMP(MD)Nos.27412 & 27415 of 2025

A.Annamalai

... Petitioner

/Vs./

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tirunelveli Sub District,
Tirunelveli District.
3. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.
4. The Superintending Engineer,
State Highways Department,
A.R.Line Road,
Palayamkottai,
Tirunelveli District.



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5. The Assistant Divisional Engineer,
State Highways Department,
A.R.Line Road,
Palayamkottai,
Tirunelveli District.

6. G.Kavitha Arumugam

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned show cause notice issued by the 5th respondent in his proceedings in Arivippu No. 02/2025/A1 dated 20.11.2025 and quash the same as illegal and consequently forbear the respondents from interfering with the day to day poojahs and other ceremonies at Sri Arasamarathadi Sidhi Vinayagar Temple at V.M.Chatram, Palayamkottai, Tirunelveli District by considering the petitioner's representation dated 15.11.2025.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.S.P.Maharajan (R1 to R5)

Special Government Pleader

Mr.C.Saravanakumar (R6)



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ORDER

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

We are of the considered view that this writ petition is premature.

2. Challenge is to a show cause notice issued by the Assistant Divisional Engineer, State Highways Department / R5. Notice dated 20.11.2025 that calls upon the petitioner to appear and show cause as to whether a portion of the temple is an encroachment upon the State Highways.

3. Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice for R1 to R5 points out that the proceedings had commenced even earlier by issuance of notice to the petitioner along similar lines as that alleged under the present notice.

4. The reply of the petitioner was only to the effect that the property has been in the same location since 1997. There was no objection to the allegation of encroachment.

5. WP(MD)No.28484 of 2025 has been filed by R6 in this writ petition seeking a mandamus directing the official respondents to remove



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the temple, which is stated to have encroached into the public road, ie., Sivanthipatti Main Road (State Highway) in Block No.12, Town S.No.1, Thiyyagaraja Nagar, Vijaya Ragava Mudhaliyar Sathiram Ward, Palayamkottai Taluk, Tirunelveli District ('State Highway' / 'State Highway in question'). That writ petition came to be disposed on 13.10.2025 in the following terms:-

'Heard.

2. On an allegation of encroachment made through this writ petition, we would direct the State to expeditiously conclude the enquiry by conducting appropriate survey and find out whether the allegations are correct. If it is found that there are encroachments on the public street, it goes without saying that the same are required to be removed forthwith.

3. Considering that the representation was first made on 8th of September, 2025, we hereby direct the fifth respondent to take appropriate decision in the matter. The Tahsildar / third respondent shall ensure that the survey is conducted within six weeks from the date of receipt of a copy of this order. Soon thereafter, the fifth respondent shall proceed to act in accordance with law.

4. The petition is, accordingly, disposed of. There shall be no order as to costs.'

6. The present proceedings have been initiated pursuant to the directions under order dated 13.10.2025.

7. In light of the fact that the impugned communication is only



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a notice, we see absolutely no cause to intervene. The petitioner may reply to the notice dated 20.11.2025. Having regard to the contentions in the reply, revenue records and survey / inspection report, necessary action shall be taken in accordance with law and expeditiously. This writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

**[A.S.M.J.] & [C.K.J.,]
28.11.2025**

NCC :Yes/No
Index :Yes/No
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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
W.P.(MD)No.34690 of 2025

Dated:
28.11.2025