

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

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Wednesday, the Sixth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
AND

The Hon`ble Dr.Justice A.D. MARIA CLETE

WP(MD). No.1039 of 2020

A-2317 A.Pasupathy, Madurai
Thiruvalluvar Weavers Co-Operative
Production and Sale Society Limited
Rep by its Administrator,
Mr.K.Prabakaran .

... Petitioner

Vs

1 THE DISTRICT COLLECTOR
The Collectorate Campus,
Alwarpuram Madurai- 625020.

2 The Madurai Corporation,
rep by its Commissioner Aringar Anna
Maligai Tallakulam Madurai-625 002.

3 The Commissioner of Police,
1/165 Alagar Kovil Main Road,
KK Nagar,Race Course Colony,
K.Pudur, Madurai-625002

4 The Local Planning Authority
rep by its Member Secretary,
4, Hakkim Amalkhan Road,
Chinna Chokkikulam,
Madurai- 625 002.

<https://www.mhc.tn.gov.in/judis>



5.P.V.Manikandan

... Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, Praying this Court Directing the respondents No.1 to 4 to forbear the respondent No.5 from expanding the temple encroaching into the area allocated as public utility space in Survey No.223 and 224, Tallakulam Village, Valluvar Colony, Madurai North Taluk, Madurai-625017 and remove the illegal construction made in the area allocated for public utility space meant for park, School, Office, Market Well and overhead tank to an extent of 1.54 acres space in Survey No.223 and 224 Tallakulam Village, Valluvar Colony, Madurai North Taluk, Madurai 625017 within a time frame stipulated by this Honourable Court.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Vetrivel, Advocate for the Lajapathi Roy Associates and of Mr.S.Saji Bino, Spl.Government Pleader for 1st and 4th Respondents, Mr.K.Sivabalan, Advocate for 2nd Respondent, Mr.P.Kottai Samy, Government Advocate (Crl.side) for the 3rd Respondent and Mr.D.Dilip Kumar, Advocate for the 5th Respondent this Court made the following order:

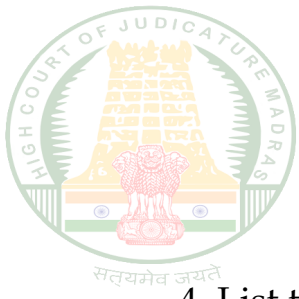


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“While the learned counsel for the petitioner would submit that the temple in question that commenced as a small construction is keeping on expanding and as on date, the earlier temple has been demolished by the 5th respondent herein and a new temple is being constructed in that place, the learned counsel for the 5th respondent disputes such a submission. According to him, the temple is only being renovated and painting works are going on.

2. Since there is a factual dispute on either side, we deem it appropriate that the temple site is visited by an independent Advocate Commissioner to appraise us of the factual scenario. Accordingly, Mr.M.Mohammed Zamil (Enrollment No.6156/2021) (Mobile No.9791923184) is appointed as Advocate Commissioner, who shall visit the temple site at S.Nos.223 and 224 of Tallakulam Village, Valluvar Colony, Madurai North Taluk and note down the physical features of the entire plot as well as the construction inside S.Nos.223 and 224.

3. The learned Advocate Commissioner shall also measure the entire site, in which, the temple is situated as well as the constructed temple, if necessary, with the help of a licensed Surveyor and file a report before us on or before **21.11.2024**. The petitioner herein shall pay an initial remuneration of Rs.25,000/- (Rupees twenty five thousand only) to the Advocate Commissioner.



4. List the matter on 21.11.2024.”

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Sd/-

Assistant Registrar(C.O)

// True Copy //

/11/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

To.

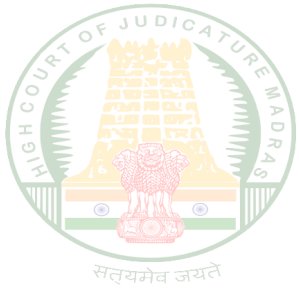
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Madurai- 625 002.

Copy to:
MR.M.MOHAMMED ZAMIL,EN NO..6156/2021
NO.108,LAW CHAMBER, Madurai Bench of Madras
High Court, Madurai.
PH No.9791923184



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ORDER DATED: 06/11/2024
HEARING DATE : 21/11/2024

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ORDER

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WP(MD). No.1039 of 2020

KVL/14.11.2024 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023