

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.15399 of 2015
and
M.P.No.1 of 2015

M.Sivaramalingam

... Petitioner

vs

1. The Commissioner
Hindu Religious and Charitable Endowments
Department, Nungambakkam High Road,
Chennai.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments
Department, Villupuram.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Cuddalore.
4. The Executive Officer,
Sri Andavar @ Chetti Veerappaswami Temple,
Hindu Religious and Charitable Endowments
Department, Chidambaram, Cuddalore District.

5. Nagaraj

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to demolish the illegal construction put up by the fifth respondent in the land comprised in S.No.34, belonging to Sri Andavar @ Chetti Veerappaswami Temple, Kothattai Village, Chidambaram Taluk, which is coming under the control of the first respondent.

For Petitioner : Mr.M.Baskaran
For Respondents : Mr.S.T.S.Moorthy
Government Pleader for RR 1 to 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner makes a grievance of unauthorised construction being put up by the fifth respondent in the land comprised in S.No.34, Kothattai Village, Chidambaram Taluk, stated to be belonging to Sri Andavar @ Chetti Veerappaswami Temple. This temple is stated to be under the jurisdiction of Hindu Religious and Charitable Endowments (H.R. & C.E.) Department.

2.The petitioner has stated that on complaints being made by him, the last one being the representation dated 18.05.2015, the same was forwarded to the third respondent/Assistant Commissioner of H.R. & C.E. Department, who, in turn, issued a letter dated 19.05.2015 fixing the date of hearing as 25.05.2015 at 10.00 a.m., when both the petitioner and the 4th and 5th respondents were directed to remain present. However, the fifth respondent chose to absent himself. The allegation, thus, says that the construction is going on unabated while the 5th respondent is absenting himself from the proceedings.

3.On hearing the learned counsel for the petitioner and learned Government Pleader for the first four respondents, it is directed that the third respondent should forthwith proceed in accordance with law, if unauthorised construction is being made and conclude the proceedings within a maximum period of two months from the receipt of a copy of this order. In case, it is found that the fifth respondent is proceeding with the construction unauthorisedly while absenting himself, necessary action qua the construction being made to be stopped should be taken forthwith.

4.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2015 stands closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Commissioner
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road, Chennai.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments Department,
Villupuram.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Cuddalore.
4. The Executive Officer,
Sri Andavar @ Chetti Veerappaswami Temple,
Hindu Religious and Charitable Endowments Department,
Chidambaram, Cuddalore District.

+1cc to Mr.M.Baskaran, Advocate, S.R.No.26389

+1cc to the Special Government Pleader(HR & CE), S.R.No.26663

+1cc to the Government Pleader, S.R.No.26265

W.P.No.15399 of 2015

KM(CO)
CA(15/06/2015)

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