

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.31843 of 2015
and
M.P.No.1 of 2015

Chidambaram Poosali

...Petitioner

Vs

- 1 The District Collector
Villupuram District,
Villupuram.
- 2 The Tahsildhar,
Kallakurichi Taluk,
Villupuram District.
- 3 The Commissioner,
Hindu Religious & Charitable Endowments,
Nungambakkam,
Chennai - 600 034.
- 4 The Asst. Commissioner,
Hindu Religious & Charitable Endowments ,
Villupuram.
- 5 The Inspector,
Hindu Religious & Charitable Endowments,
Kallakurichi, Villupuram District.
- 6 Durai
- 7 Chitti
- 8 Murali
- 9 Ganesan

...Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 1 to 5 to initiate necessary steps to remove the encroachments made by the respondents 6 to 9 or any other persons in the subject temple land comprised in Survey No.293/6A to an extent of Acres 2.50 Cents

situated at Kallakurichi and Taluk, Villupuram District on the basis of the representation dated 18.9.2015 sent to the respondents 1 to 5 and also copy endorsed to other respondents for removal of encroachments.

For Petitioner : Mr.R. Thanjan

For Respondents : Mr. P.S.Sivashanmugasundaram
Special Government Pleader -R1 & R2
Mr. K.V. Dhanapalan
Addl. Govt. Pleader R3 to R5

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents 1 and 2. Mr.K.V.Dhanapalan, learned Additional Government Pleader, accepts notice for the respondents 3 to 5. It is not necessary to issue notice to the respondents 6 to 9 at this stage, inasmuch as, this is only a case of consideration of the petitioner's representation and no action can be taken without affording an opportunity of hearing to them. Thus, with the consent of the learned counsel for the petitioner, learned Special Government Pleader and learned Additional Government Pleader, the writ petition is taken up for final disposal, at the admission stage itself.

2. By this petition, the petitioner seeks a direction to the official respondents to remove the encroachment in the temple Land/ Natham Poromboke land in S.No.293/6A, Kallakurichi and Taluk, Villupuram District and take appropriate action against the encroachers, based on the petitioner's representation dated 18 September 2015.

3. According to the petitioner, he is maintaining the temple property in question as hereditary Trustee of Sri Mariamman temple, and the father of the respondents 6 to 9 was permitted to lay thatched roof with an undertaking to remove the same during temple festivals, but after his death, respondents 6 to 9 are trying to construct a pucca building on the property in question. Feeling aggrieved, the petitioner has addressed a representation dated 18 September, 2015 to the respondents 1 to 5, which had gone unheeded by them. Thus, the instant writ petition for the aforestated relief.

4. Considering the limited relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to examine the petitioner's representation dated 18 September, 2015 and take consequential action, on merits and in accordance with law, after affording proper opportunity of hearing to the alleged encroachers viz., respondents 6 to 9. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. ra.

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

- 1 The District Collector
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- 2 The Tahsildhar,
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Nungambakkam,
Chennai - 600 034.
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Villupuram.
- 5 The Inspector,
Hindu Religious & Charitable Endowments,
Kallakurichi, Villupuram District.

+1 C.C. To Government Pleader in SR.NO.54940

W.P.No.31843 of 2015

RSK(CO)
sd : 19/10/2015

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