

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.6164 of 2013

and M.P.No.1 of 2013

1.C.Murugavel

2.C.Kumaravel

.. Petitioners

-vs-

1.The Executive Officer,
Arulmighu Puthumariamman Temple,
Kurinjpadi, Kurinjpadi Taluk,
Cuddalore District.

2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Board, Cuddalore.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Board, Villupuram.

4.The Commissioner,
Hindu Religious & Charitable Endowment
Board, Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

5.The Additional Commissioner,
Hindu Religious & Charitable Endowment
Board, Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records and quash the order passed by the 5th respondent in his O.Mu.No.18575/2012/R1 dated 30.10.2012 and consequently direct the respondents to implement G.O.Ms.No.340 dated 06.082007, Tamil Development Religious Endowment and

Information (Ani 4-2) Department in favour of the petitioners in respect of the property bearing measuring 2080 sq.ft. in S.No.61/A1B1 in Kurinjipadi Town, Kurinjipadi Taluk, Cuddalore District.

For Petitioners : Mr.D.Baskar
For Respondents : Mr.M.Maharaja
Spl.G.P. For RR 2 to 5
: No appearance for R-1

O R D E R

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

None appears for the petitioner. We have perused the petition and the counter-affidavit and heard the learned Special Government Pleader appearing for the respondents / HR & CE.

2.What emerges is that though the petitioners and their family are in possession of the property in question, the same belongs to the temple and as per directions of this Court in S.A.No.315 of 2003, the temple administration took steps to evict the persons who are in possession of the property in S.No. 61/A1B1 in Kurinjipadi Town, Kurinjipadi Taluk, Cuddalore District. The petitioners were also found in possession of a part of an area to an extent of 2080 sq.ft and thus, eviction proceedings were initiated against the appellant in the second appeal, as also the present petitioners under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. In those proceedings, it was found that there was unauthorised occupation of the temple land. The challenge laid to the order passed by the Joint Commissioner, HR & CE, Villupuram, was rejected by the Commissioner, HR & CE, in R.P.No.91 of 2011. Writ Petition No.3965 of 2011 filed by the petitioners was also withdrawn after arguments.

3.The result of the aforesaid is that the finding against the petitioners of being encroachers has attained finality.

4.In the writ petition, the detailed facts which have emerged from the counter-affidavit, have not been set out.

5.We are, thus, of the view that the petitioners being encroachers of the temple land, that finding having become final, there is no ground made out to interfere under Article 226 of the Constitution of India.

6.Writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Board, Cuddalore.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Board, Villupuram.
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