

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
AND

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.40189 of 2015

D.Ravishankar

..Petitioner

Vs

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Commissioner,
Revenue Administration,
Chepauk,
Chennai - 600 005.
3. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 34.
4. The District Collector,
Ariyalur District, Ariyalur.
5. The Tahsildar,
Ariyalur Taluk, Ariyalur, Ariyalur District.
6. Suriya Vilas Hotel,
rep. by its Proprietor,
Name Not known,
Kailasanathanar Koil Street,
Ariyalur Post - 621 704,
Ariyalur District.

7. Thiyagarajan,
Backside of Kailasanathar Koil Street,
Ariyalur post - 621 704, Ariyalur District.
8. Muruganandham,
S/o Sivakozhundhu,
Backside of Kailasanathar Koil Street,
Ariyalur kPost - 621 704, Ariyalur District.
9. Valarmathi,
W/o Kalaiyarasan,
Backside of Kailasanathar Koil Street,
Ariyalur Post - 621 704, Ariyalur District.
10. Poiyamozi,
S/o Ramasamy,
Rajaji Nagar, Ariyalur Post,
Ariyalur District. ..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to take necessary action against the encroachers the respondents 6 to 10 herein for removal of encroachment made in S.No.555/453, Ariyalur South Village, Ariyalur District, by implementing the notice issued by the 5th respondent in his Letter No.A11/12446/2013 dated 28.04.2014.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Prathapkumar, Additional

Govt.Pleader

for R1, R2, R4 and R5.

Mr.M.Maharaja, Special Government Pleader
(HR&CE) for R3

Mr.S.Kamadevan for R7 to R9

Mr.V.Lakshminarayanan for R10

No appearance for R6.

WEB COPY

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.C.Prakasam, learned counsel appearing for the petitioner, Mr.R.Prathapkumar, learned Additional Government Pleader, who accepts notice for the 1st, 2nd, 4th and 5th respondents, Mr.M.Maharaja, Special Government Pleader(HR&CE), who accepts notice for the 3rd respondent, Mr.S.Kamadevan, learned counsel appearing for the 7th to 9th respondent and

Mr.V.Lakshminarayanan learned counsel appearing for the 10th respondent.

2. This Writ petition is filed praying to issue a Writ of Mandamus directing the respondents 1 to 5 to take necessary action against the encroachers, the respondents 6 to 10 herein, for removal of encroachment made in S.No.555/453, Ariyalur South Village, Ariyalur District, by implementing the notice issued by the 5th respondent in his Letter No.A11/12446/2013 dated 28.04.2014.

3. The case of the petitioner is that the petitioner is the Hereditary Trustee of Sri Kailasanathar Swamy Temple, Ariyalur Taluk situated in S.No.555/453, Ariyalur South Village. The said temple is an ancient temple and even though it is not taken over by the Government, it is under the control of the 3rd respondent and the petitioner is administering the said temple by conducting poojas regularly. Some of the persons encroached the temple and preventing the public from enter into the said temple by free access and therefore, the petitioner made several representations to the respondents to remove the encroachment. The 5th respondent issued a communication dated 27.12.2010 to the petitioner stating that the said encroachers are living in the said temple land for a long time and refused to remove the encroachment. The petitioner also came to understand that patta was going to be in favour of the said encroachers. Aggrieved by the same, the petitioner has filed the present writ petition.

4. It is stated by the learned Special Government Pleader appearing for the HR & CE Department that the property does not belong to the Temple.

5. It appears that the Tahsildar of Ariyalur District had issued notice dated 28.04.2014, as set out in page No.8 of the typed set of papers, against some of the persons for vacating the said place. Under these circumstances, it is seen that the prayer sought for by the petitioner is taken care of by the revenue authorities. Therefore, it is for the revenue authorities to pursue further pursuant to the notice issued regarding the eviction of unauthorised occupants. Further, it is for the Authorities to enquire into the matter, since the said notice came issued way back in the year 2014 and it is not clear whether the persons who have already issued with the notice have vacated the place or not. In these circumstances, we are of the view that it is for the Government to take early decision in accordance with law pursuant to the notice issued after giving due opportunity to all the persons who are likely

to be affected. The writ petition is disposed of accordingly.
No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vsi

To

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Commissioner,
Revenue Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 34.
4. The District Collector,
Ariyalur District, Ariyalur.
5. The Tahsildar,
Ariyalur Taluk, Ariyalur,
Ariyalur District.

+1 CC to S. Kamadevan, Advocate Sr.No.50998
+1 CC to C. Prakasam, Advocate Sr.No.51395
+1 CC to Govt Pleader, Sr.No.51719

Writ Petition No.40189 of 2015

NR (CO)
MD : 03/10/2016