

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.2685 of 2013

and M.P.No.1 of 2013

- 1.M.Rajendran
- 2.C.Munusamy
- 3.Valliammal
- 4.Kanniyappan
- 5.Parameshwari
- 6.C.Angamuthu
- 7.Arul
- 8.M.Ethiraj
- 9.K.Amirtham
- 10.V.Munusamy
- 11.V.Selvaraj
- 12.M.Angamuthu
- 13.M.Varadhan
- 14.M.Vimalanathan
- 15.R.Muniyan
- 16.E.Ramu
- 17.V.Dhanabackiyam
- 18.K.Parthasarathy

... Petitioners

-VS-

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Kancheepuram Taluk,
Kancheepuram District.
- 3.The Revenue Divisional Officer,
Kancheepuram Taluk,
Kancheepuram District.
- 4.The Executive Officer,
Arulmighu Subramaniam Thirukoil,
Ilayanarvelur Village,
Kancheepuram Taluk,

Kancheepuram District.

5.The Executive Officer,
Sri Singeshwarar Thirukoil,
Avalur Village, Kancheepuram Taluk,
Kancheepuram District.

6.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Dept., Kancheepuram.

7.The Commissioner,
Hindu Religious and Charitable
Endowment Dept., 119, Uthamar
Gandhi Road, Chennai-34.
(RR 6 and 7 impleaded as per order
dated 25.02.2014 in MP.1/2014)

8.A.V.Elumalai

9.A.N.Masilamani Naicker
(RR 8 and 9 impleaded as per order
dated 07.12.2016 in MP.2/2013)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents, their men and subordinates or any other persons authorised by them from interfering with the petitioners' peaceful possession and enjoyment including removing of their house in the land comprised in Survey Nos.286/1, and 73/75/1 situated at Avalur Village, Kancheepuram Taluk, Kancheepuram District, without following the due process of law.

For Petitioners : No appearance

For Respondents : Mr.R.Vijayakumar
Addl.G.P. for RR 1 to 3
: Mr.K.Hariharan for RR 4 and 5
: Mr.M.Maharaja
Spl.G.P. For RR 6 and 7

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O R D E R

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

Learned Special Government Pleader appearing for the HR & CE Department / 6th and 7th respondents states that the land belongs to the temple, on which there is encroachment, but they will take due process of law to evict the petitioners as per Section

78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2.The prayer made in the petition is that the petitioners not to be dispossessed from the land under their occupation without due process of law.

3.In view of the aforesaid statement on behalf of the HR & CE Department, the apprehended threat of the petitioners does not survive and the writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2013 stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Kancheepuram Taluk,
Kancheepuram District.
- 3.The Revenue Divisional Officer,
Kancheepuram Taluk,
Kancheepuram District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Dept., Kancheepuram.
- 5.The Commissioner,
Hindu Religious and Charitable
Endowment Dept., 119, Uthamar
Gandhi Road, Chennai-34.

+2cc to Mr.K. Hari Haran, Advocate, S.R.No.72498
+1cc to the Government Pleader, S.R.No.72154

rsy(CO)
md(03/01/2017)

W.P.No.2685 of 2013