

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM :

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.Nos.30072 and 30073 of 2016

A.Radhakrishnan ... Petitioner in both WPs.

-vs-

- 1.The Additional Chief Secretary /
Commissioner of Land Administration,
Dept. of Land Administration,
Chepauk, Chennai 600 005.
- 2.The Commissioner,
Hindu Religious & Charitable Endowment
Dept., 119, Nungambakkam High Road,
Chennai 600 034.
- 3.The District Collector,
Salem District, Salem 636 001.
- 4.The Sub Collector,
Mettur, Salem District.
- 5.The Tahsildar
Kadayampatti Taluk,
Salem District.
- 6.The Joint Commissioner,
Hindu Religious and Charitable
Endowment, Salem 636 001.
- 7.The Executive Officer,
Arulmighu Prasanna Venkatarama
Swamy Temple, Chinnathirupathy,
Karuvali, Ksadayampatti Taluk,
Salem District.

8.The Deputy Inspector General of Police,
O/o The Deputy Inspector General
of Police, Salem 636 007.

9.The Inspector of Police,
Theevattipatti, Salem District.

.. Respts. in WP.30072/2016

1.The Secretary to Government
Hindu Religious & Charitable
Endowment Department,
Secretariat, Chennai 600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowment
Dept., 119, Nungambakkam High Road,
Chennai 600 034.

3.The District Collector,
Salem District, Salem 636 001.

4.The Revenue Divisional Officer,
Salem 636 001.

5.The Deputy Inspector General of
Police, O/o Deputy Inspector
General of Police, Salem 636 007.

6.The Joint Commissioner,
Hindu Religious and Charitable
Endowment, Salem 636 001.

7.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment, Salem 636 001.

8.The Fit Person
Arulmighu Kothandaraman Thirukoil,
Ayothiyapattinam, Valapadi Taluk,
Salem District.

.. Respts. in WP.30073/2016

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 3 and 4 (in WP.30072/2016) / respondents 6 and 7 (in WP.30073/2016) to remove the encroachment made in the respondent temple and further direct the 8th and 9th respondents (in WP.30072/2016) / 6th respondent (in WP.30073/2016) to give proper police protection for removal of the illegal encroachment from the property owned by respondent temple.

For Petitioner : Mr.A.Radhakrishnan
Party-in-person

For Respondents
in WP.30072/2016 : Mr.M.K.Subramanian
Govt. Pleader,for RR 1, 3 to 5, 8&9
: Mr.M.Maharaja,
Spl.G.P. For RR 2, 6 and 7

in WP.30073/2016 : Mr.M.K.Subramanian
Govt. Pleader,for RR 1 and 3 to 5
: Mr.M.Maharaja,
Spl.G.P. For RR 2 and 6 to 8

O R D E R

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

The petitioner claims that there is encroachment on the land of the temple which is under the Hindu Religious and Charitable Endowment (HR & CE) Department. The petitioner has made representations to the department, but to no avail. The prayer is for the authorities to remove the encroachments with police assistance.

2.The typed set of documents show that undoubtedly numerous representations have been made by the petitioner. We note with regret the approach of the concerned authorities in not even responding to a representation of a citizen raising a public issue and compelling the petitioner to come to Court. This is not only burdens the petitioner with expenses, but results in wastage of judicial time. We have repeatedly emphasized that there should be timely attention to representations and in the present case, they have started since 2015. There have also been some inter se correspondence between the District Collector and Tahsildar, which seek to suggest that the Tahsildar has acknowledged the recent encroachments and requested for police assistance to remove the same, but the same has not been granted.

3.Learned counsel appearing for the HR & CE Department states that there is amalgamation of two different areas in the petitions - one relating to HR & CE department and the other relating to the Revenue Department and the aforesaid assistance has been sought in respect of the land of the Revenue Department. Be that as it may, the common issue raised in both the petitions is of encroachment - whether the land be of HR & CE or the Revenue Department.

4.We, thus, direct the respondents to look into the issue,

identify the encroachments if any and take action against the encroachments in accordance with law, after notice to all concerned, within a maximum period of three (3) months of the receipt of the order.

5.Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Additional Chief Secretary /
Commissioner of Land Administration,
Dept. of Land Administration,
Chepauk, Chennai 600 005.
- 2.The Commissioner,
Hindu Religious & Charitable Endowment
Dept., 119, Nungambakkam High Road,
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- 3.The District Collector,
Salem District, Salem 636 001.
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- 5.The Tahsildar, Kadayampatti Taluk, Salem District.
- 6.The Joint Commissioner,
Hindu Religious and Charitable Endowment, Salem 636 001.
- 7.The Deputy Inspector General of Police,
O/o The Deputy Inspector General
of Police, Salem 636 007.
- 8.The Inspector of Police, Theevattipatti, Salem District.
- 9.The Secretary to Government
Hindu Religious & Charitable Endowment Dept.,
Secretariat, Chennai 600 009.
- 10.The Revenue Divisional Officer, Salem 636 001.
- 11.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment, Salem 636 001.

- 1 cc to Mr.A.Radhakrishnan, Party in Person, sr.49305
1 cc to Government Pleader, sr.49780 & 49122

W.P.Nos.30072 and 30073 of 2016

trm co
kra 14.09.2016