IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 2.11.2016
CORAM
The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.36380 of 2016

Arulmigu Thaiyalnayagi Udanurai
Arulmigu Vaideeswaran Temple
rep. by its Managing Hereditary Trustee
P.N.Suryaprakasam,
S/o.P.N.Kailasanadha Mudaliar
Vaideeswaran Koil Street
Poonamallee, Chennai - 600 056. .. Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable
Endowment Department
Chennai - 600 034.

2. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Vellore - 632 009.

3. The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Kancheepuram - 631 501.

4. The Tahsildar
Poonamallee Taluk
Poonamallee, Chennai - 600 056.

5. The Inspector of Police
Poonamallee Police Station
Poonamallee, Chennai - 600 056.

6. V.Devarajan, President
Shridi Sai Nagar Residents Welfare Association
No.37, Siridi Sai Nagar Main Road
Poonamallee, Chennai - 600 056.

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7. R.Nagaraj, Secretary
Shridi Sai Nagar Residents Welfare Association
No.37, Siridi Sai Nagar Main Road
Poonamallee, Chennai - 600 056.

8. E.Uthiravelu

9. Subramani .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 4 to take necessary action to survey the lands in Survey No.474 and 475 of Poonamallee Village belonging to the petitioner temple by fixing the boundary stones as per the F.M.B.Sketch for the purpose of identifying and removing the illegal occupants thereon under Sections 78 and 79 of the Hindu Religious and Charitable Endowment Act, 1959 with the help of the Police.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.T.N.Rajagopalan
Special Govt. Pleader
for respondents 4 and 5

Mr.M.Maharajan
Special Govt. Pleader
for respondents 1 to 3

ORDER

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

On hearing learned counsel for parties, it is directed that the Tahsildar/fourth respondent, with the help of the Surveyor, should carry out an inspection of site within 15 days from today and fix the boundaries of the temple to obviate the chances of encroachment and unauthorized construction. It should be immediately verified whether there is any unauthorized construction of temple as alleged and if it is found so, the same should be stopped.

2. Once the boundaries are fixed, dependent on whether the alleged unauthorized construction is taking place in the temple land or public land, the authorities concerned will take action in accordance with law, after notice to all concerned, within a maximum period of three months thereafter.

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The petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.31320 and 31321 of 2016 are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The Commissioner
   Hindu Religious and Charitable
   Endowment Department
   Chennai - 600 034.

2. The Joint Commissioner
   Hindu Religious and Charitable
   Endowment Department
   Vellore - 632 009.

3. The Assistant Commissioner
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   Endowment Department
   Kancheepuram - 631 501.

4. The Tahsildar
   Poonamallee Taluk
   Poonamallee, Chennai - 600 056.

5. The Inspector of Police
   Poonamallee Police Station
   Poonamallee, Chennai - 600 056.

+2 ccs to Mr.S.Mohan Advocate sr 62024
+1 cc to Government Pleader sr 62313

W.P.No.36380 of 2016

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