

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.03.2017

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.7135 of 2017

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.. Petitioner

Versus

- 1.The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department
Nungambakkam, Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Salem.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department
Dharmapuri.
4. The Executive Officer,
A/m. Chelliamman Thirukkoil
Adhagapadi Post,
Dharmapuri Taluk and District

.. Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioner to put up a fence around the land in her possession in Patta No.576 in S.No.432 of Adagapadi Village belonging to the A/m.Chelliamman Thirukoil based on her representation dated 06.03.2017.

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.M.Maharaja
Special Government Pleader (HR & CE)

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to permit the petitioner to put up a fence around the land in her possession in Patta No.576 in S.No.432 of Adagapadi Village belonging to the A/m.Chelliamman Thirukoil based on her representation dated 06.03.2017.

2. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader (HR & CE) appearing for the respondents.

3. The petitioner claims to be one of the tenants in the properties belonged to the fourth respondent temple and she is in possession of the lands for the past forty years. According to the petitioner, adjacent to her land, there is a burial ground in which dead bodies of all the communities are being buried/ cremated . According to the petitioner, in view of the existence of the burial ground near by her property, she has decided to put up a fencing so as to avoid any one who comes to the burial ground from trespassing into the property. In this regard, the petitioner has submitted a representation dated 06.03.2017 requesting the respondents to permit the petitioner to put up a fencing in the land in her occupation. As there is no response to such representation dated 06.03.2017, the petitioner is before this Court with this writ petition.

4. I heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the records placed.

5. Having regard to the nature of relief sought for by the petitioner, without expressing any opinion on merits, the fourth respondent is hereby directed to consider the representation dated 06.03.2017 of the petitioner and to pass orders thereon on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department
Nungambakkam, Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Salem.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department
Dharmapuri.

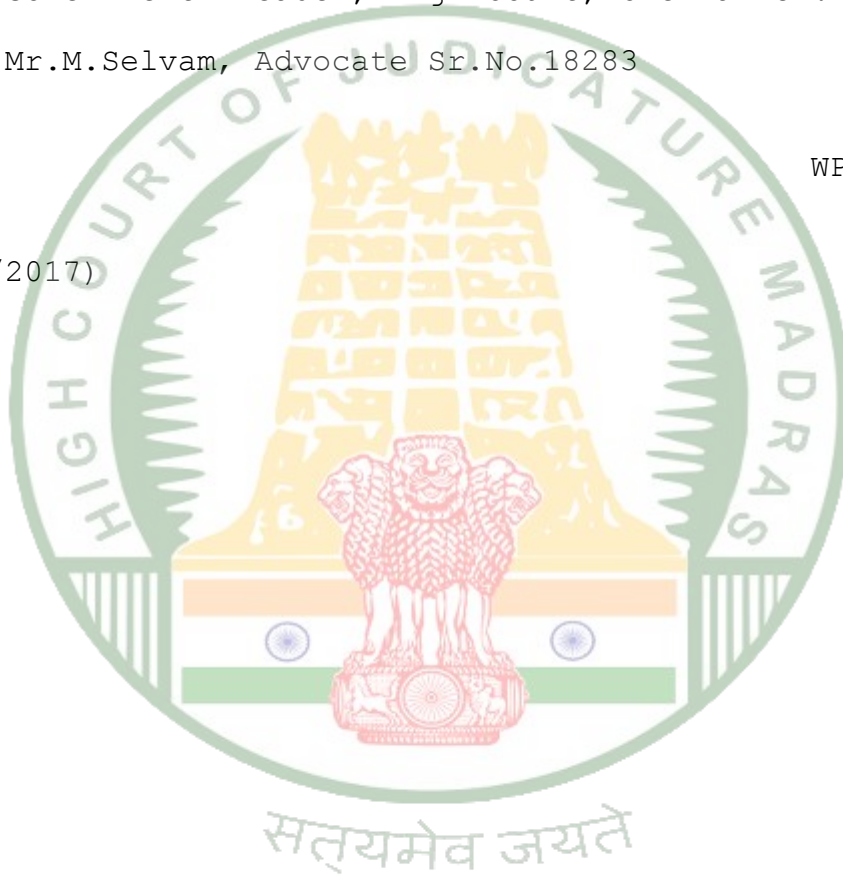
4. The Executive Officer,
A/m. Chelliamman Thirukkoil
Adhagapadi Post,
Dharmapuri Taluk and District

+1 CC to Government Pleader, High Court, Chennai Sr.No.18724

+1 CC to Mr.M.Selvam, Advocate Sr.No.18283

WP No.7135 of 2017

CA (CO)
KP (19/04/2017)



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