

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.332 of 2017

B.Parthasarathy Pillai

... Petitioner

vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Mahathma Gandhi Road,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Mahathma Gandhi Road,
Nungambakkam,
Chennai 600 034.
3. The Deputy Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Mahathma Gandhi Road,
Nungambakkam,
Chennai 600 034.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
5. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Sri Parthasarathi Swamy Thirukkoil,
Triplicane,
Chennai - 5.
6. The Executive Officer,
Sri Parthasarathy Swamy Thirukkoil,
Triplicane,
Chennai 600 005.
7. The Trustees of Sri Parthasarathy Swami
Devasthanam,
Triplicane,

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 6th respondent to consider and take appropriate action pursuant to the petitioner's representation dated 04.11.2016 and also pursuant to the proceedings of the 1st respondent in his proceedings in Na.Ka.No.5767/2016 R-2 dated 15.11.2016.

For Petitioner : Mr.A.Ilaya Perumal
For Respondents: Mr.M.Maharaja
1 to 4 Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 6th respondent to consider and take appropriate action pursuant to his representation dated 04.11.2016 and also pursuant to the proceedings of the 1st respondent in his proceedings in Na.Ka.No.5767/2016 R-2 dated 15.11.2016.

2. According to the petitioner, he is entitled to 3/5th share and Sri Parthasarathy Swamy Devasthanam is entitled to 2/5th share in the land measuring 2 Acres and 64 cents in Old S.Nos.470 and 472, T.S.No.4626, 4653, 7571/1 and 7571/2 of T.Nagar Village, Block No.103, Formerly Guindy-Mambalam Taluk, presently Mambalam Taluk, Chennai District. The case of the petitioner is that many people have encroached into the said lands and none of the official respondents have taken any action to recover the said property from the respective encroachers. Hence, the petitioner made a detailed representation dated 04.11.2016 to all the respondents requesting them to take appropriate action to recover the said land.

3. Pursuant thereto, the 1st respondent sent a letter vide his proceedings in Na.Ka.No.5767/2016 R-2 dated 15.11.2016 directing the 6th respondent to consider the petitioner's representation dated 04.11.2016 and take appropriate action on the same. Since no action is taken by the 6th respondent on his representation so far, having no other alternative, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the 6th respondent to consider the petitioner's representation dated 04.11.2016 on merits and in accordance with law, after giving an opportunity of hearing to the parties and pass

appropriate orders within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

aeb
To:

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7. The Trustees of Sri Parthasarathy Swami
Devasthanam,
Triplicane,
Chennai 600 005.

+1cc to Mr.A. Ilayaperumal, Advocate, S.R.No.1961
+1cc to the Government Pleader, S.R.No.2101

ppa (CO)
md(15/02/2017)

W.P.No.332 of 2017



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