

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.10.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.27016 of 2017

& WMP No.28829 of 2017

M.Rangan

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
HR & CE Department,
Fort St. George, Chennai.
- 2.The District Collector,
Kanchipuram,
Kanchipuram District.
- 3.The Commissioner,
Hindu Religious & Charitable
Endowments Administration Department,
Maraimalai Nagar, Kancheepuram District.
- 4.The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Maraimalai Nagar,
Kanchipuram District.
- 5.The Member Secretary,
CMDA Department, Chennai.
- 6.The Revenue Divisional Officer,
Revenue Divisional Office,
Chengleput.
- 7.The Tahsildar,
Chengleput,
Kanchipuram District.
- 8.The Special Officer,
Kattankulathur Panchayat,
Kanchipuram District.

9.The Block Development Officer,
Kattankulathur,
Kanchipuram District.

10.S.V.Sriramalu
Proprietor of S & P Foundation,
Medli Road, T. Nagar,
Chennai-600 017.

.. Respondents

Prayer:-Writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the Respondents to consider the petitioner's representations dated 19.05.2017 and 24.05.2017 and remove the encroachment made on the property belonging to Arulmighu Agatheeswarar Temple in S.F.No.173, Nedunkundram Village, Kanchipuram District within time limit fixed by this Court.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.M.Maharaja,
Special Government Pleader (H.R.&C.E.)
for R1, R3 and R4

Ms.Vasudha Thiagarajan AGP for R2, R6,
R7 and R9

Mr.A.Murugavel for R10

ORDER

(Order of the Court was made by M.SUNDAR,J.)

This is a public interest litigation.

2.The subject matter of this writ petition is land comprised in S.F.No.173, Nedunkundram village, Kanchipuram District, which according to the writ petitioner belongs to Arulmighu Agateeswarar Temple.

3. The writ petition styled as public interest litigation is predicated on the assumption that the aforesaid land belongs to Arulmighu Agatheeswarar Temple, which is under the control, administration and management of the Tamil Nadu Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu.

4. It is the specific allegation of the writ petitioner that private respondent before us, i.e., respondent No.10, has encroached upon the aforesaid land.

5. Today, when the matter came up for admission, Mr.M.Maharaja, learned Special Government Pleader, Tamil Nadu

Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu, accepts notice on behalf of respondents 1, 3 and 4.

6. Ms.Vasudha Thiagarajan, learned Additional Government Pleader, accepts notice on behalf of respondents 2, 6, 7 and 9.

7. With regard to private respondent No.10, Mr.A.Murugavel, learned counsel is present before the Court, he has instructions to represent respondent No.10 and we permitted him to represent respondent No.10.

8. Mr.M.Maharaja, learned Special Government Pleader (H.R. & C.E.) submits that the aforesaid land does not belong to the above mentioned temple and that it is classified as "Kulam" in the revenue records. The learned Special Government Pleader also pointed out that adjacent/nearby land comprised in Survey Nos.204/1, 204/2 and 204/4 belongs to the abovesaid temple and that the same were also encroached upon by respondent No.10 before us. On instructions, the learned Special Government Pleader informs the Court that appropriate action was taken for removal of encroachment in the aforesaid survey numbers, encroachments were removed and the lands situated in the abovesaid survey Nos.204/1, 204/2 and 204/4 in Nedunkundram village, Kanchipuram District, are now in possession of the abovementioned temple.

9. With regard to the land comprised in S.F.No.173, the learned Additional Government Pleader submitted that steps have already been taken by the ninth respondent for removing the encroachment made by the respondent No.10 in the said land.

10. The learned counsel appearing for private respondent No.10 would submit that the said land is not "Kulam" and that it is a common approach road (பொது அணுகு பாதை) and that, the revenue classification is poramboke land. However, the photo copy of the relevant register produced by the learned Additional Government Pleader would reveal that the said land comprised in Survey No.173 is not only shown as "common approach road" but is also shown as "Kulam". Be that as it may, either way it is poramboke land and respondent No.10 cannot encroach upon the said land.

11. Under such circumstances, we direct the respondent No.9 and other official respondents to continue the action, which is said to have been initiated for removal of the encroachment made by respondent No.10 in the abovesaid land i.e., S.F.No.173, in accordance with law, proceed with the same as expeditiously as possible and in any event conclude the same, within a period of eight weeks from the date of receipt of a

copy of this order.

The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary,
Government of Tamil Nadu,
HR & CE Department,
Fort St. George, Chennai.
- 2.The District Collector,
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Kanchipuram District.
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- 8.The Special Officer,
Kattankulathur Panchayat,
Kanchipuram District.

9.The Block Development Officer,
Kattankulathur,
Kanchipuram District.

+1cc to M/s A.Murugavel, Advocate sr.74704
+1cc to Government Pleader Sr.74481
+1cc to Government Pleader Sr.74331
+1cc to Mr.B.Kumarasamy, Advocate Sr.74280

W.P.No.27016 of 2017

SKV (CO)
RVR 20/11/2017



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