

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17299/2017 & WMP.No.18795/2017

A.R.Gopi

Hereditary Trustee

Sri Prasanna Eshwarar & Sri
Ranganatha Swamy Temples

Kanniambakkam & Devadhanam Post

Ponneri Taluk, Thiruvallur District.

Petitioner

Vs

1. The Tahsildar
Ponneri Taluk
Thiruvallur District.
2. The Zonal Deputy Tahsildar
Ponneri Taluk, Thiruvallur District.
3. The Principal Secretary/Commissioner of
Land Administration [FAC] and
Commissioner of Survey and Settlement
Ezhilagam, Chepauk, Chennai 600 005.
4. The Commissioner
The Tamil Nadu Hindu Religious &
Charitable Endowments Department
119, Uthamar Gandhi Salai
[Opp.to Taj Coromendal Hotel]
Nungambakkam, Chennai 600 008.
5. The Taluk Surveyor
Ponneri Taluk, Thiruvallur District.
6. The Revenue Inspector
Kattur, Ponneri Taluk
Tiruvallur District.

7. The District Collector
Thiruvalur District.

8.The Revenue Divisional Officer
Ponneri Taluk, Thiruvallur District.

9.Giri

10.Ramachandran

11.Manjula

12.Mr.sKaliammal

13.Mr.Srinivasa Rajan @ K.R.Raghu

14.Mr.Munirathina Naidu ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to execute the order passed by the 8th respondent in its proceedings in Na.Ka.No.1100/2013/A1 dated 07.10.2013 and file the report before this Court within the time stipulated by this Court.

For Petitioner : Mr.S.Veeraraghavan

For RR 1 to 3, 5 to 8 : Mrs.Vasudha Thiagarajan,
Additional Government Pleader

For R4 : Mr.M.Maharaja, Spl.GP [HR&CE]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mrs.Vasudha Thiagarajan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and 5 to 8 and Mr.M.Maharaja, learned Special Government Pleader [HR&CE] accepts notice on behalf of the 4th respondent.

2 The petitioner claims to be the Hereditary Trustee of the petitioner temple and in the affidavit filed in support of this writ petition, would aver among other things that the landed property comprised in Survey No.70/5 admeasuring to an extent of 3.24 acres situate at Devadanam Village, Ponneri Taluk, Thiruvallur District, are institutional lands given to

the temple during British Regime and the lands are in possession and enjoyment of the said temple. The petitioner would further aver that some portion of the temple lands have been encroached by the private respondents, viz., the respondents 9 to 14 and in this regard, the petitioner has also submitted a representation dated 21.06.2010 to the Collector of Thiruvallur District praying for appropriate action to evict the encroachers and it was forwarded to the Revenue Divisional Officer, Ponneri, who in turn, sent a communication on 07.10.2013 in Na.Ka.No.1100/2013/A1 to the 1st respondent to take appropriate action. The petitioner also sent a reminder to the 1st respondent on 05.01.2017 and also to the 3rd respondent who vide Letter No.T1/1527/2017 dated 27.01.2017, has instructed the 7th respondent to place the representation dated 20.01.2017 submitted by Mr.S.B.Gandhi, Social Activist, before the District Level Steering Committee to take necessary action as per G.O.Ms.No.540, Revenue [LD.6[2]] Department dated 04.12.2014 and report the same to them. However, no action has been taken so far and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner has invited the attention of this Court to the Village Accounts and would submit that the concerned lands have been shown as the lands belonging to the petitioner temple and despite the fact of encroachment committed by the private respondents has been brought to the knowledge of the authorities concerned, no action whatsoever, has been taken so far and therefore, the petitioner is left with no other option except to approach this Court for availing proper and appropriate remedy and prays for appropriate orders.

4 Heard the submissions of Mrs.Vasudha Thiagarajan, learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 to 8 and Mr.M.Maharaja, learned Special Government Pleader [HR&CE] appearing for the 4th respondent and also perused the materials placed before this Court.

5 Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the Executive Officer, jurisdictional Assistant and Joint Commissioners, HR&CE Department, as well as to the respondents 4, 1 and 7 for taking necessary and appropriate action, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the concerned officials are directed to put the private respondents, viz., respondents 9 to 14, on notice and thereafter, consider and dispose of the petitioner's

representation on merits and in accordance with law and pass appropriate orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 9 to 14 herein.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Tahsildar
Ponneri Taluk
Thiruvallur District.
2. The Zonal Deputy Tahsildar
Ponneri Taluk, Thiruvallur District.
3. The Principal Secretary/Commissioner of
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Commissioner of Survey and Settlement
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4. The Commissioner
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5. The Taluk Surveyor
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6. The Revenue Inspector
Kattur, Ponneri Taluk
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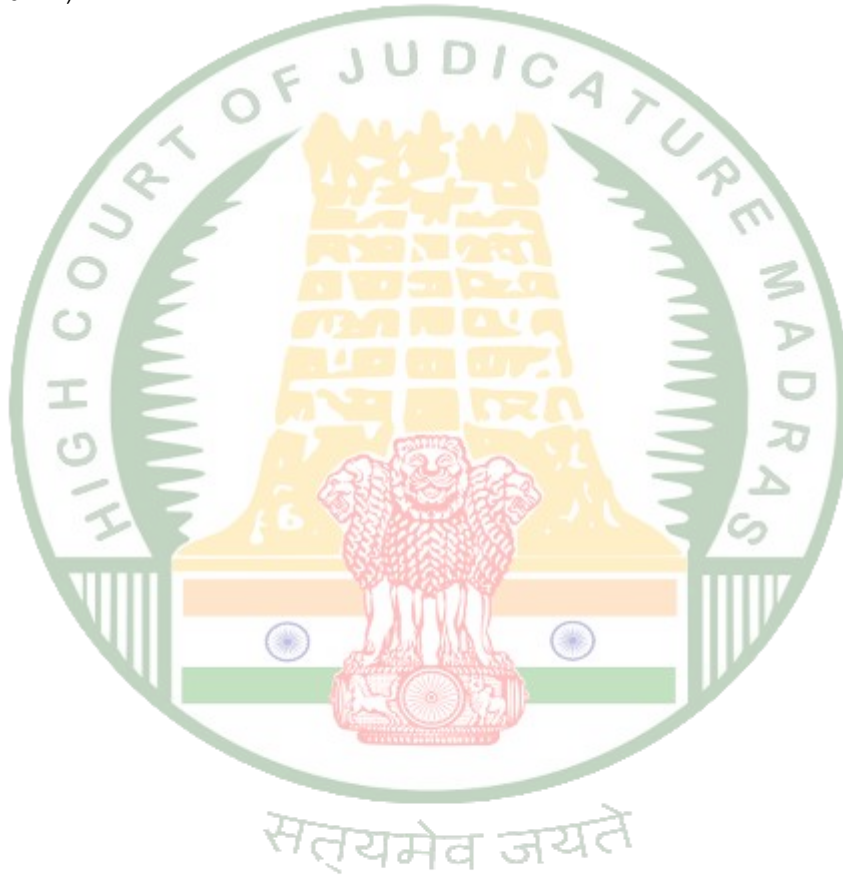
8. The Revenue Divisional Officer
Ponneri Taluk, Thiruvallur District.

+1cc to M/s.S.Veeraraghavan, Advocate, S.R.No.47203

+1cc to the Government Pleader, S.R.No.47668

WP.NO.17299/2017

CU (25/07/2017)



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