



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.2211 of 2017

S.Subramanian

... Petitioner

-vs-

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Palayamkottai,
Tirunelveli-2.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Thoothukudi - 2.
- 4.The Executive Officer/Thakkar
Arulmighu Maha Ganapathy @ Unmai Vinayagar
Temple, Eral,
Srivaigundam Taluk,
Thoothukudi District.

5.R.Maharajan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any direction in the nature of writ directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in the prakara pathai of Arulmighu Maha Ganapathy @ Unmai Vinayagar Temple, Valavallan Village in Sy.No.131/2 and pass any other orders by considering the representation dated 26.08.2016.

For Petitioner	: Mr.S.Satheeshkumar
For RR - 1 to 3	: Mr.M.Govindan Special Government Pleader
For R - 4	: Mr.M.Muthu Geethayan

O R D E R

[Order of the Court was made by A.SELVAM, J.]

<https://hcservices.ecourts.gov.in/hcservices/>

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to

remove encroachments which are in existence in Survey No.131/2, Valavallan Village by way of issuing a Writ of Mandamus.

2.It is averred in the petition that Survey No.131/2 belongs to Arulmighu Maha Ganapathy @ Unmai Vinayagar Temple, Valavallan Village, wherein certain encroachments are in existence. Under the said circumstances, the present Petition has been filed for getting the relief sought therein.

3.In fact, this Court has perused the relevant records, wherein it has been shown that Survey No.131/2 belongs to the temple mentioned in the petition.

4.Considering the aforesaid factual circumstances, the fourth respondent can be directed as indicated below:

5.In fine, this Writ Petition is allowed without cost. The fourth respondent is directed to conduct proper survey in respect of Survey No.131/2 and if there is any encroachment, remove the same under due process of law within a period of two months.

SD/-

ASSITANT REGISTRAR (CS-III)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Palayamkottai,
Tirunelveli-2.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Thoothukudi - 2.

+1 CC TO MR. S.SATHEESH KUMAR, ADVOCATE, SR NO.10821

+1 CC TO MR. M.MUTHUGEETHAYAN, ADVOCATE, SR NO.10956

+1 CC TO SPECIAL GOVERNMENT PLEADER, SR NO.11146

mj

MAS/CM-MSA:08.03.2017:2P/7C