

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.8163/2018

L.Parameshwari

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Petitioner

Versus

- 1.The District Collector
O/o.The District Collector
Cuddalore District.
- 2.The District Revenue Officer
O/o.The District Revenue Officer
Cuddalore, Cuddalore District.
- 3.The Commissioner
The Tamil Nadu Hindu Religious and
Charitable Endowment, No.119,
Uttamar Gandhi Road, Nungambakkam
Chennai 600 034.
- 4.Tiruvavduthurai Adheenakartha
Tiruvavaduthurai Adheenam
Tiruvavaduthurai, Myladurthurai Taluk
Nagapattinam District.
- 5.The Superintendent of Police
O/o.The Superintendent of Police
Cuddalore, Cuddalore District.

6.The Tahsildar

O/o.The Tahsildar

Panruti Taluk, Cuddalore District.

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Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent herein not to convert the agriculture property into unapproved layouts and lease out/sale to any person permitting to encroach the Devadayam-Inam property at survey No.29/7 at Thiruthuraiyoor village, Cuddalore District.

For Petitioner : Mr.S.Sivaraman

For RR 1,2,5&6 : Mr.T.M.Pappiah, Spl.GP

For R3 : 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. Mr.T.M.Pappiah, learned Special Government Pleader accepts notice on behalf of the respondents 1, 2, 5 and 6 and Mr.M.Maharaja, learned Special Government Pleader accepts notice on behalf of the 3rd respondent.

2 The petitioner claims to be resident of Thiruthuraiyoor Village,

Panruti Taluk, Cuddalore District and according to her, the land

admeasuring to an extent of 1 acre and 83 cents in Survey No.29/7 of Tiruvavaduthurai Village is a Devadayam property and it belongs to Tiruvavaduthurai Mutt represented by the Trust - 4th respondent herein. It is the specific case of the petitioner that the said lands are agricultural lands and attempts are being made to convert the said lands as House Site Plots without obtaining any permission either from the Agricultural Department or from the Directorate of Town and Country Planning. The petitioner, in this regard, has submitted a representation dated 12.02.2018 to the respondents 1 to 4 and 6 followed by yet another representation dated 16.02.2018 to the 5th respondent by Registered Post Acknowledgment Due and despite receipt and acknowledgment, no action has been taken even to check whether the averments made in the representations submitted by the petitioner are true or otherwise and left with no other option, the petitioner is constrained to approach this Court by filing the present writ petition.

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2a The learned counsel for the petitioner would submit that the lands are classified as agricultural lands and without obtaining necessary permission from the Agricultural Department for conversion of the said lands into house sites and without getting approval from the Directorate of

Town Planning, the said lands cannot be developed as Layout for house site plots and hence, prays for appropriate orders.

3 The Court heard the submissions of Mr.T.M.Pappiah, learned Special Government Pleader appearing for respondents 1, 2, 5 and 6 and Mr.M.Maharaja, learned Special Government Pleader appearing for the 3rd respondent and also perused the materials placed before it.

4 This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in her representations or in this writ petition, directs the **Joint Commissioner, Hindu Religious and Charitable Endowment Department, Villupuram District,** as well as the 6th respondent herein to cause a joint inspection of the lands admeasuring to an extent of 1 acre and 83 cents in S.No.29/7 of Tiruvavaduthurai village, after putting the 4th respondent on notice and persons who are in occupation of the said land, if any, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the same, the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Villupuram District and the 6th respondent shall take appropriate action in accordance with law within a further period of

ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the 4th respondent and to other persons concerned.

5 The writ petition stands disposed. of with the above direction.
No costs.

6 Post on 27.06.2018 for filing Status Report of the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Villupuram District and the 6th respondent herein.

Internet : Yes

AP

[MSNJ] [PRMJ]
10.04.2018

NOTE:- [1] Registry is to mark a copy of the above order to the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Villupuram District .

[2] After drafting of the order, Registry to send the bundle to Writ Posting, for listing the matter on 27.06.2018.

M.SATHYANARAYANAN, J.,
AND
P.RAJAMANICKAM, J.,

AP

To

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