

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.12352/2018

L.Thirupathi

.. Petitioner

Versus

1.The District Collector  
Salem District, Salem.

2.The Revenue Divisional Officer  
Sangagiri Revenue Division,  
Sangagiri, Salem District.

3.The Tahsildar,  
Sangagiri Taluk, Sangagiri  
Salem District.

4.The Joint Commissioner  
Hindu Religious and Charitable  
Endowment Board [HR&CE]  
Salem, Salem District.

5.The Assistant Commissioner  
Hindu Religious and Charitable  
Endowment Board [HR&CE]  
Salem, Salem District.

6.P.Arumugam

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 5 to remove the encroachments made by the 6<sup>th</sup> respondent and others in the Arulmighu Sri Chellandiamman and Sri Mariamman Temple lands in S.Nos.189/8 and 189/9, situated at Naduvaneri Village, Sangagiri Taluk, Salem District and to restore the said temple lands to its original position.

For Petitioner : Mr.M.R.Jothimanian  
 For RR 1 to 3 : Mr.M.Lalitha, GA  
 For RR 4 & 5 : 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.M.Lalitha, learned Government Advocate accepts notice on behalf of the respondents 1 to 3 and Mr.M.Maharaja, learned Special Government Pleader [HR&CE] accepts notice on behalf of the respondents 4 and 5.

**2** The petitioner claims to be one of the Kattalaidhars of Arulmighu Sri Chellandiamman and Sri Mariamman Temple, Naduvaneri, Salem District and also the Chairman of the Festival Committee of the said temple. It is the specific case of the petitioner that the said temple

owns lands in S.Nos.189/8 and 9 and 156/1 with specific measurements in Naduvaneri village and the same is also reflected in the Village Accounts and Patta No.9 has also been issued in favour of the temple. The petitioner expresses the grievance that the 6th respondent, who has no right whatsoever, had encroached upon the said lands and constructed buildings/superstructures without any planning permission or approval and in this regard, representations dated 26.03.2018 and 10.04.2018 respectively, have been submitted to the 4th respondent, with copies marked to the concerned officials and in spite of receipt and acknowledgment, no orders have been passed and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

**3** Heard the submissions of the learned counsel for the petitioner ; Mrs.M.Lalitha, learned Government Advocate appearing for the respondents 1 to 3 and Mr.M.Maharaja, learned Special Government Pleader [HR&CE] appearing for the respondents 4 and 5.

**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 his representations or in this writ petition, directs the respondents 3 and 4 to cause inspection of the said lands in

question within a period of four weeks from the date of receipt of a copy of this order, after putting on notice, the 6th respondent and other encroachers, if any and depending upon the result of the same, shall take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner ; 6th respondent and other encroachers, if any.

**5** The writ petition stands disposed of accordingly. No costs.

[MSNJ] [GKIJ]  
05.06.2018

Internet : Yes

AP



WEB COPY

To

- 1.The District Collector  
Salem District, Salem.
- 2.The Revenue Divisional Officer  
Sangagiri Revenue Division,  
Sangagiri, Salem District.
- 3.The Tahsildar,  
Sangagiri Taluk, Sangagiri  
Salem District.
- 4.The Joint Commissioner  
Hindu Religious and Charitable  
Endowment Board [HR&CE]  
Salem, Salem District.
- 5.The Assistant Commissioner  
Hindu Religious and Charitable  
Endowment Board [HR&CE]  
Salem, Salem District.

WEB COPY



M.SATHYANARAYANAN, J.,  
AND  
G.K.ILANTHIRAIYAN, J.,  
AP



WP.No.12352/2018

WEB COPY

05.06.2018