

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.28239 of 2018

V.P.Raman

...Petitioner

-vs-

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Nungambakkam, Chennai - 600 034.
- 2.The Assistant Commissioner,
The Assistant Commissioner Office,
Tamilnadu Hindu Religious and Charitable
Endowments Department, Salem -1.
- 3.The District Collector,
Salem District, Collector Office, Salem -1.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office, Mettur, Salem District.
- 5.The Tahsildar,
Omalur Tahsildar Office, Omalur, Salem District.
- 6.The Executive Officer,
Arulmigu Mariamman and Ganesar Thirukoil
Poosaripatti Village, Omalur Taluk, Salem District.
- 7.The Village Administrative Officer,
Poosaripatti Village, Kadaiyampatti Taluk,
Salem District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.No.3201/2016/E2 dated 08.06.2018 quash the same and consequently direct the respondents to remove the encroachment made in S.F.No.95/5 in Poosaripatti Village, Omalur Taluk, Salem District belonging to Arulmigu Mariamman and Ganesar Temple.

For Petitioner : Mr.S.Muthukrishnan

For Respondents: Mr.M.Maharaja
Special Govt.Pleader (HR & CE)
for R1 and R2

Mrs.M.Lalitha
Government Advocate for R3 to R7

O R D E R

[Order of the Court was delivered by
R.SUBRAMANIAN,J.]

The petitioner seeks a Writ of Certiorarified Mandamus, to quash the order of the second respondent dated 08.06.2018 in Na.Ka.No.3201/2016/E2, in and by which, the second respondent has concluded that the land in S.No.95/5 does not belong to the temple.

2. It is also seen from the typed set of papers produced that the Tahsildar, Kadayampatti has taken proceedings under the Tamil Nadu Land Encroachment Act, 1905 for eviction of encroachment in S.No.95/5 and an order under Section 6 of the said Act has been passed as early as on 08.06.2018. We therefore see no reason to interfere with the order of the second respondent. Hence, the prayer for mandamus also does not survive inasmuch as action has been taken under the Land Encroachment Act by the Revenue.

3. Hence, the writ petition fails and the same stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Nungambakkam, Chennai - 600 034.

- 2.The Assistant Commissioner,
The Assistant Commissioner Office,
Tamilnadu Hindu Religious and Charitable
Endowments Department, Salem -1.
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- 7.The Village Administrative Officer,
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Salem District.

+1 cc to M/s.S.Muthukrishnan, Advocate Sr.No.74023
+1 cc to The Government Pleader Sr.No.74412

W.P.No.28239 of 2018

CSL/16.11.2018