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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31136 of 2018

V.Vanchinathan

... Petitioner

Vs.

- 1.The District Collector,
Cuddalore District.
- 2.The Sub-Collector,
Chidambaram,
Cuddalore District.
- 3.Chidambaram Municipality,
Rep. by its Commissioner,
Chidambaram,
Cuddalore District.
- 4.The Tahsildar,
Chidambaram,
Cuddalore District.
- 5.Superintendent of Police,
Cuddalore District.
- 6.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Cuddalore.
7. Inspector of Police,
Chidambaram Town,
Cuddalore District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus and to direct the fifth respondent Superintendent of Police, Cuddalore District and the seventh respondent Inspector of Police Chidambaram Town to provide protection for removal of illegal encroachments from the Temple to provide Police protection for removal of illegal encroachments from the Temple land and as directed by this Hon'ble Court in W.P.No.5236 of 2017 dated 02.03.2017.



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For Petitioner : Mr.K.Doraisamy Senior Counsel
for M/s.Muthumani Doraisamy

For Respondents : Mr.M.Mohamed Riyaz
5 & 7 Additional Public Prosecutor

O R D E R

This writ petition has been filed seeking for police protection for removal of illegal encroachments from the property belonging to the Guru Namasivaya Moorthy Mutt / Temple.

2. The petitioner is a retired post-master and devotee of the Guru Namasivaya Moorthy Mutt / Temple. On 12.12.2016, the Tahsildar of Chidambaram passed an order directing the Commissioner of Chidambaram Municipality to take steps to remove the illegal encroachments. Subsequently, on 18.12.2016, the Tahsildar of Chidambaram also passed a comprehensive order directing the various Authorities to take steps to remove the encroachment in T.S.No.215, which belongs to the Guru Namasivaya Moorthy Mutt / Temple. No action was taken inspite of the proceedings of the Tahsildar, Chidambaram.

3. Mr.K.Doraisamy, learned Senior Counsel representing the counsel appearing for the petitioner would submit that the trustee of the Temple had approached this Court and filed W.P.No.5236 of 2017, seeking for a direction to the Commissioner of Chidambaram Municipality to implement the order of the Tahsildar, Chidambaram Taluk for the purpose of removal of the encroachments. This Court, after considering the materials placed on record, came to the conclusion that the trustee of the Temple has to approach the Tahsildar of Chidambaram Taluk and the Police Authorities in order to take steps to remove the encroachment. By giving such liberty, the writ petition was disposed of. However, there was no action taken thereafter.

4. Mr.K.Doraisamy, learned Senior Counsel would submit that since no one was taking interest on recovering the property belonging to the Temple, the petitioner being the devotee, has approached this Court seeking for appropriate direction.

5. It is seen from the records that the Tahsildar, Chidambaram has already taken cognizance of the illegal encroachments in the Temple land and had also passed an order directing the Chidambaram Municipality to remove the encroachment. Since no action was taken, the trustee of the Temple has also approached this Court and this Court gave liberty to the trustee to again approach the Tahsildar of Chidambaram Taluk and also seek for police protection for the purpose of removal of the encroachments. This order was passed on 02.03.2017. For more than one and half years, there is no



action on the part of any one. Therefore, a devotee has approached this Court.

6. In the facts and circumstances of the case, the petitioner shall bring to the notice of the Executive Officer of the Mutt / Temple about the orders passed by this Court. The Executive Officer of the Mutt / Temple shall make a fresh representation to the third and fifth respondents, bringing to their notice the earlier proceedings of the Tahsildar dated 12.12.2016 and 18.12.2016 and also the orders passed by the Court in W.P.No.5236 of 2017. Immediately on receipt of the representation, the third respondent shall take immediate steps to remove the illegal encroachments with the help of the fifth respondent. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

nmm/dss

To

1. The District Collector,
Cuddalore District.
2. The Sub-Collector,
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Cuddalore District.
3. Chidambaram Municipality,
Rep. by its Commissioner,
Chidambaram,
Cuddalore District.
4. The Tahsildar,
Chidambaram,
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5. Superintendent of Police,
Cuddalore District.
6. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Cuddalore.



7. Inspector of Police,
Chidambaram Town,
Cuddalore District.

8. The Public Prosecutor,
Madras High Court, Chennai.

+1 CC to M/s.Muthumani Doraisamy, Advocate sr 80657.

W.P.No.31136 of 2018

KS (CO)
SP(11/12/2018)