



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.8001 of 2018
and W.M.P.No.9961 of 2018

K.Gajendiran

...

Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

2.The Deputy Commissioner,
Hindu Religious and Charitable Endowments Board,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
District Collector Office Complex,
Kancheepuram.

4.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Sri Amaratheeswarar Temple,
Sirukalthur,
Kundrathur,
Thirunagesvaram Temple,
Chennai - 600 069.

5.Muthulakshmi

6.The Kundrathur Panchayat Union,
Rep.by the Executive Officer. ...
(R6 Sought to be impleaded as per
order dated 05.04.2018)

Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made in S.No.504, Sirukalathur Village, Sriperumpudhur Taluk, Kancheepuram District by the 5th respondent in the temple property owned by the 4th respondent by considering the petitioner's representation dated 02.03.2018.

For Petitioner : Mr.R.Jayaprakash

For R-1 to R-4 : Mr.Maharaja,
Special Govt. Pleader

For R-6 : Mr.A.N.Thambidurai
Special Govt. Pleader

O R D E R

(Order of the Court made by M.M.SUNDRESH, J.)

The petitioner seeks removal of encroachment allegedly made by the 5th respondent. It appears that the 4th respondent has already filed a suit in O.S.No.156 of 2016 on the file of the District Munsif Court, Sriperumbudur and obtained an order of injunction against putting up further construction. It is the case of the petitioner and the respondents 3 & 4 that notwithstanding the same, further construction has been put up. Thereafter, the respondents 3 and 4 have already initiated action under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. In such view of the matter, no further order is required. However, we direct the respondents 3 & 4 to proceed further in pursuant to the action initiated and complete the proceedings within a period of eight (8) weeks from the date of receipt of a copy of this order.

3. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rgr



rgr

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

2.The Deputy Commissioner,
Hindu Religious and Charitable Endowments Board,
Mahatma Gandhi Road,
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Chennai - 600 034.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
District Collector Office Complex,
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4.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Sri Amaratheeswarar Temple,
Sirukalthur,
Kundrathur,
Thirunagesvaram Temple,
Chennai - 600 069.

+1cc to Mr.R.Jayaprakash , Advocate SR.No. 98815
+1 cc to Government Pleader Sr.No. 99064

W.P.No.8001 of 2018

A.SK(09/01/2020)