



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.2009 of 2018

A.Radhakrishnan

...Petitioner

Vs.

1.The Commissioner
Hindu Religious & Charitable Endowments Department
119, Nungambakkam High Road
Chennai 600 034

2.The Principal Chief Income Tax Commissioner
Tamil Nadu Region
Nungambakkam
Chennai 600 034

3.The District Collector
Salem 636 001

4.The Deputy Inspector General of Police
Salem Range
Salem

5.The Sub Divisional Executive Magistrate cum
Sub-Collector
Mettur, Salem District

6.The Joint Commissioner
Hindu Religious & Charitable Endowment
Salem District
Pin Code 636 001

7.The Assistant Commissioner
Hindu Religious & Charitable Endowment
Salem District
Pin Code 636 001

8.Fit Person
Arulmigu Mariamman Thirukoil
Chickampatty, Omalur Taluk
Salem District

...Respondents



Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to take appropriate action to safeguard the 8th respondent temple property situated in S.No.55 at Chickampatty Village, Omalur Taluk, Salem District, to an extent of 22.33.00 hectares, further to recover the amount from the person who cause loss to the 8th respondent temple and restore the same with 8th respondent temple by considering the petitioner's representation dated 08.12.2017.

For Petitioner : Mr.R.Marudhachalamoorthy
For Respondents : Mr.M.Maharaj, Spl.G.P. (HR & CE)
for R1, 6 to 8
Mr.N.Inbanathan, AGP for R3, 4 & 5

O R D E R

The efforts taken by the writ petitioner / A.Radhakrishnan, S/o.Arumugam, residing at No.36, Sriram Nagar, Chennai 600 113, has to be deeply appreciated by this Court since he has taken the responsibility of filing this writ petition in the nature of Mandamus with the sole intention of protecting and safeguarding the properties of the 8th respondent temple viz. Arulmigu Mariamman Thirukoil, Chickampatty, Omalur Taluk, Salem District. Pending the Writ Petition, the respondents have been forced to act as against the encroachers.

2.It is today represented by Mr.M.Maharaja, learned Special Government Pleader, H.R. & C.E., that they have identified 16 encroachers and have also conducted enquiry.

3.The learned counsel for the petitioner states that even on the earlier occasion, the same status was reported, but, as on date, they have not identified the encroachers and they have not completed the enquiry.

4.However, it is appropriate that this court grants some time for perusing of the records and for passing considered order by the Joint Commissioner of H.R. & C.E., Salem, who is the 6th respondent herein and the competent authority to pass necessary orders. These orders are pursuant to the enquiry conducted u/s.78 of the H.R. & C.E. Act. It is also stated that a new officer had taken charge. These aspects are taken for consideration of this Court in broad prospective and sufficient time and opportunity is also granted to the officer to examine the records in detail and pass well considered order.



5. In view of the above facts, this petition stands disposed of with the observation that the 6th respondent, the Joint Commissioner, H.R. & C.E., Salem District, may, bestow personal attention and take efforts to dispose of the pending enquiries before him in respect of the properties of the 8th respondent / Arulmigu Mariamman Thirukoil, Chickampatty, Omalur Taluk, Salem District and pass final orders on or before 29.02.2020. This court would further appreciate the efforts of the officer if he actually dispose of the enquiry on or before 30.01.2020. At any rate, knowing the sensitivity of the matter, as outer limit of 29.02.2020 is fixed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To.

1.The Commissioner

Hindu Religious & Charitable Endowments Department
119, Nungambakkam High Road, Chennai 600 034

2.The Principal Chief Income Tax Commissioner

Tamil Nadu Region, Nungambakkam, Chennai 600 034

3.The District Collector, Salem 636 001

4.The Deputy Inspector General of Police, Salem Range, Salem

5.The Sub Divisional Executive Magistrate cum
Sub-Collector, Mettur, Salem District

6.The Joint Commissioner

Hindu Religious & Charitable Endowment,
Salem District, Pin Code 636 001

7.The Assistant Commissioner

Hindu Religious & Charitable Endowment
Salem District, Pin Code 636 001

8.Fit Person, Arulmigu Mariamman Thirukoil

Chickampatty, Omalur Taluk, Salem District

+1 cc to M/s.R.Marudhachalamurthy, Advocate Sr.No. 102358

+1 cc to The Government Pleader Sr.Nos. 102985 & 102530

AKM/10.01.2020/3P-11 C /

W.P.No.2009 of 2018