

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1608 of 2016
and
W.M.P.No.1367 of 2016

K.Panchanadeeswaran

Chairman,

Arulmigu Sabanayakar Desanthira Kattalai

and Sri Palaniandavar Thaipoosa

Kavadi Abhisheka Kattalai,

Mathanam,

Mariamman Kovil Street,

Mathanam Village & Post,

Sirkazhi Taluk,

Nagapattinam District.

Petitioner

Vs.

1.The Secretary to Government,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

3.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Kumbakonam Region,
Kumbakonam.

4.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Mayiladuthurai,
Nagapattinam District.

5.The District Collector,
District Collectorate,
Public Office Road,
Nagapattinam - 611 003.

6.The Revenue Divisional Officer,
Nagapattinam District,
Nagapattinam.

7.The Tahsildar,
Sirkazhi Taluk,
Nagapattinam District.

8.Sri Pasupathieswarar Temple Kumbabhishega Committee
Rep. By Member R.Anandan,
Mathanam Village & Post,
Sirkazhi Taluk,
Nagapattinam District.

... Respondents

PRAYER : Writ Petitions filed Under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the respondents to dispose of the representation
pertaining to taking action against the law squatters dated
22.04.2015 and 05.01.2016.

For Petitioner : Mr.R.Karthikeyan

For RR1 to 4 : Mr.M.Maharaja
Special Govt. Pleader (HR & CE)

For RR5 to 7 : Mr.N.Inbanathan
Additional Government Pleader

For R8 : Mr.R.Silambarasan

O R D E R

The writ petition has been filed by the petitioner seeking a
direction to the respondents to dispose of the representation
pertaining to taking action against the law squatters dated
22.04.2015 and 05.01.2016.

2. The petitioner claims to be the hereditary trustee of
Arulmigu Sabanayagar Desandira Kattalai and Sri Palani Aandavar
Thaipoosa Kavadi Abhishega Kattalai situated in Madhanam
Village, Sirkazhi. It is stated that the said kattalai owns land
in S.No.79/1 in Madhanam Village, Sirkazhi Taluk to an extent of

1 acre and 75 cents and the land is classified as Nanja Land. The Kattalai has been functioning from time immemorial and the patta was also issued in Patta No.326 for which property tax is being paid and the property is standing in the name of the said Kattalai. The eighth respondent-temple, which is next to the land of the petitioner Kattalai was in a dilapidated condition and the eighth respondent committee was constituted to re-construct the temple. When the construction work was initiated by the eighth respondent, the Revenue authorities stopped them from constructing the temple on the ground that S.No.79/2 was allotted for Revenue Quarters and hence the temple cannot be constructed in the said land. Hence, the writ petition was filed by the eighth respondent committee to consider its representation. However, suddenly, the eighth respondent started putting up construction in the said land and encroached into the petitioner's Kattalai land situated in S.No.79/1. Therefore, a representation was given to the official respondents including HR & CE and Revenue Department. In the meanwhile O.S.No.187 of 2015 was filed by the petitioner before the Sub Judge, Mayiladuthurai against the eighth respondent herein for injunction not to put up any construction. It is stated that the said suit is still pending.

4. Heard the learned counsel appearing on both sides.

5. As the prayer in the writ petition is limited only to issue a mandamus considering the representation dated 05.01.2016, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 05.01.2016 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order. If need be, surveyor may be employed to demarcate the land belonging to the Kattalai.

6. The learned Subordinate Judge, Myladuthurai is directed to dispose of the suit in O.S.No.187 of 2015 within a period of six months from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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Mathanam Village & Post,
Sirkazhi Taluk,
Nagapattinam District.

+1cc to Mr.R.Silambarasan, Advocate sr.no.24419
+1cc to Government Pleader sr.24202
+1cc to Special Government Pleader(HR & CE) sr.25420
+2cc to Mr.R.Karthikeyan, Advocate sr.24377

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nr 22/04/2019



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