

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.24445 of 2018

K.Tamilvanan

.. Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
- 4.The Executive Officer,
Paravasudeva Swamy Temple,
Kottakovil,
Dharmapuri Town and Taluk.
- 5.The District Collector,
Dharmapuri District,
Dharmapuri.
- 6.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri.
- 7.Arul
- 8.Sundaram
- 9.Venkatesh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the

respondents 1 to 6 to take appropriate action to remove the encroachment of the temple properties in Survey Nos.29/9A, 29/9B, 29/10A and 29/10B to an extent of 32 acres of land situate at Old Fort, Kottakovil, Dharmapuri Town and Taluk.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.M.Maharaja,
Special Government Pleader (R1 to R4)

Mr.S.N.Parthasarathi,
Government Advocate (R5 & R6)

Mr.N.Elumalai (R7 to R9)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents 1 to 6 to take appropriate action to remove the encroachment of the temple properties in Survey Nos.29/9A, 29/9B, 29/10A and 29/10B to an extent of 32 acres of land situate at Old Fort, Kottakovil, Dharmapuri Town and Taluk.

2.It is the case of the petitioner that the private respondents have encroached the lands belonging to the 4th respondent - Temple and therefore, they should be evicted. Further, the petitioner has specifically stated that out of the total extent of 32 acres of land belonging to the Temple, only an extent of 40 cents is laying without encroachment.

3.However, contrary to the stand taken by the petitioner, the 4th respondent - Temple has stated that the Temple is situated in a Government Poramboke land and that the occupants of the said land have obtained patta in their respective names. Further, the 4th respondent has stated that there is no encroachment in the said land by anyone whatsoever. Further, the 4th respondent has stated that the Temple does not own any land in the Survey Numbers mentioned in the Writ Petition.

4.The 6th respondent, the Tahsildar filed a Status Report stating that there are no encroachments in the land in question by anyone whatsoever. Further, the Tahsildar has also given the details of the names of the Pattadars in respect of the Survey Numbers.

5.When the 4th respondent and the 6th respondent have specifically stated that there is no encroachment made by any person, we do not find any reason to dis-believe the statement made by the respondents 4 & 6. It goes without saying that the

respondents 4 & 6 would protect and preserve the lands for the reason that it belongs to the Government. When the respondents 4 & 6 have stated that there is no encroachment in the land, we are not inclined to grant any relief to the petitioner. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Chennai.
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Paravasudeva Swamy Temple,
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Dharmapuri Town and Taluk.
- 5.The District Collector,
Dharmapuri District,
Dharmapuri.
- 6.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri.

+1cc to Mr.C.Prabakaran Advocate, S.R.No.74778
+1cc to the Government Pleader, S.R.No.74928,75532

KK(CO)
CB(27/09/2019)

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