

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.19434 of 2018

D.Venkatraman

.. Petitioner

v.

1 The Commissioner,
Hindu Religious and Charitable Endowment
Department (HR& CE),
Nungambakkam High Road,
Chennai - 600 034

2 The District Collector,
District Collectorate,
Krishnagiri District.

3 The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

4 The Tahsildar,
Taluk Office,
Denkanikottai Taluk,
Krishnagiri District

5 The Assistant Commissioner,
(HR & CE),
Pennagaram Road,
Dharmapuri
Dharmapuri District

6 Mr. Krishnappa

7 Mr.Chikkainaiya

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 5 herein to take appropriate action against the respondents 6 and 7 herein to retrieve the valuable lands measuring an extent of 8.75 acres comprised in Survey Nos. 518, 519, 520 and 521 situate at Pallapalli Village, Denkanikottai Taluk, Krishnagiri District belonging to Arulmigu Sri Malakerigai and Uthamakerigai Temples located at Kempathapalli Village and take appropriate action against the respondents 6 and 7 for their illegal activities on the basis of petitioner's representation dated 02.05.2018 within a time frame to be stipulated by this Court.

For Petitioner : Mr.V.Ayyapparaja

For Respondent : Mr.M.Maharaja

Spl. Govt. Pleader (HR & CE) - for R1 & R5

Mr.V.Jayaprakash Narayanan

Govt. Pleader (i/c) - for R2 to R4

No appearance - for R6 & R7

O R D E R

(Order of the Court 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 5 to take appropriate action against the respondents 6 and 7 to retrieve the land measuring an extent of 8.75 acres comprised in Survey Nos. 518, 519, 520 and 521 situate at Pallapalli Village, Denkanikottai Taluk, Krishnagiri District belonging to Arulmigu Sri Malakerigai and Uthamakerigai Temples located at Kempathapalli Village and take appropriate action against the respondents 6 and 7 for their illegal activities on the basis of petitioner's representation dated 02.05.2018, within a time frame.

2. The 5th respondent, The Assistant Commissioner, Hindu Religious and Charitable Endowment Department, has filed a counter wherein he has stated that the petitioner has come before this Court with unclean hands and has suppressed the material facts. Further, the 5th respondent has stated that the petitioner is illegally occupying the parts of the land bearing Survey Numbers 518 and 519 belonging to the Temple and also laid a Kacha Road to his personal land adjoining the lands belonging to the Temple. The 5th respondent has also stated that the respondents 6 and 7 had also sold the trees in the Temple land without the permission of the Hindu Religious and

Charitable Endowment Department and they have also constructed a Temple with the money received from the sale of the trees. That apart, the 5th respondent has stated that the respondents 6 and 7 have buried the body of their father and constructed a Tomb in the lands belonging to the Temple in the year 2003 and the said Tomb was demolished by the Department and a report was also submitted. The 5th respondent further stated that the Hindu Religious and Charitable Endowment Department is initiating action against the respondents 6 and 7 with regard to their illegal activities.

3. Mr.M.Maharaja, learned Special Government Pleader (HR & CE), appearing for the 5th respondent submitted that the Department would initiate action against the wrong doers and recover the lands belonging to the temple, within a period of three months. The learned Special Government Pleader further submitted that the submission made by him may be recorded and the Writ Petition may be disposed of.

4. Recording the submission made by the learned Special Government Pleader (HR & CE) to the effect that the Department would take steps to remove the encroachment within a period of three months, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Commissioner,
Hindu Religious and Charitable Endowment Department (HR& CE),
Nungambakkam High Road, Chennai - 600 034
- 2 The District Collector,
District Collectorate,
Krishnagiri District.
- 3 The Revenue Divisional Officer,
Hosur, Krishnagiri District.
- 4 The Tahsildar,
Taluk Office, Denkanikottai Taluk,
Krishnagiri District

5 The Assistant Commissioner, (HR & CE),
Pennagaram Road, Dharmapuri
Dharmapuri District

+1 cc to Mr.R.Bharath Kumar, Advocate, Sr.No. 49063
+1 cc to The Special Government Pleader, Sr.No.48757
+1 cc to The Government Pleader, Sr.No. 48555

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PMS (CO)
CSL/20.06.2019



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