



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Sixth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr Justice B.PUGALENDHI

WMP(MD) Nos.13863 & 13866 of 2019
IN
WP(MD) Nos.24832 of 2016 & 17868 of 2014

WMP(MD) No.13863 of 2019 IN WP(MD) No.24832 of 2016:

THE COMMISSIONER,
HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT,
119, UTHAMAR GANDHI ROAD,
TIRUMURTHY NAGAR,
NUNGAMBALLAM,
CHENNAI - 600 006

... PETITIONER/ 2nd RESPONDENT

Vs

1 S.S.CHANDRAN ... 1st RESPONDENT/ WRIT PETITIONER

2 THE DISTRICT COLLECTOR
KANYAKUMARI DISTRICT AT NAGERCOIL. ... 2nd RESPONDENT/
1st RESPONDENT

3 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT,
SUCHINDRAM, KANYAKUMARI DISTRICT.

4 THE EXECUTIVE OFFICER
ARULMIGU BHAGAVATHIYAMMAN THIRUKKOIL,
KANYAKUMARI, KANYAKUMARI DISTRICT.

5 THE EXECUTIVE OFFICER
KANYAKUMARI SPECIAL GRADE TOWN PANCHAYAT,
KANYAKUMARI, KANYAKUMARI DISTRICT.

6 P.CHANDRAN

7 MOORTHY

8 A.NEHRU

9 G.MUTHUSAMY

10 JOHN POSKO

11 BALAN

<https://hcservices.ecourts.gov.in/hcservices/>



12 M.KRISHNAPILLAI

13 P.GANESAN

14 THE TAHSILDAR

AGASTEESWARAM, KANYAKUMARI.

15 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI.

16 THE DISTRICT FIRE OFFICER

KANYAKUMARI DISTRICT AT NAGERCOIL.

17 C.BHAGAVATHI

18 P.VAIRATH AMMAL

19 D.RENGAMMAL

20 M.JEYABAL

21 S.DURAISAMY

22 D.SAHAYA SELVA JOSE

23 A.MAHAMED NAVAS

... RESPONDENTS 3 TO 23/
RESPONDENTS 3 TO 23

WMP(MD) No.13863 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to dispense with the personal appearance of petitioner in the Honourable Court on 06/08/2019.

PRAYER IN IN WP(MD) No.24832 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove all type of unauthorized shops, encroachments and other permanent structures from the vacant site in S.No.679/2 which is being maintained by the 4th respondent so that see the unique feature at sea shore, Mahatma Gandhi Memorial Mandapam and Sri Bagavathi Amman Temple, at Kanyakumari, by the tourist and public, consequently direct the respondents 4 and 5 to ensure the obstacle free sea shore around Sri Bagavathy. Amman Temple and Mahatma Gandhi Mandapam at Kanyakumari.

WMP(MD) No.13866 of 2019 IN WP(MD) No.17868 of 2014:

THE COMMISSIONER

HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,

119, UTHAMAR GANDHI ROAD, TITUMURTHY NAGAR,

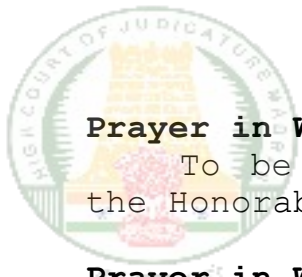
NUNGAMBALLAM, CHENNAI - 600 006.

... PETITIONER/ 2nd RESPONDENT

- Vs. -



1. TAMIL NADU RIGHTS TO INFORMATION ACT,
PROTECTION MOVEMENT,
REP. BY ITS PRESIDENT,
T.THANGARAJ
... 1st RESPONDENT/ WRIT PETITIONER
2. THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT
AT NAGERCOIL.
... 2nd RESPONDENT/ 1st RESPONDENT
3. THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT,
PALAYAMKOTTAI, TRIVANDRUM ROAD,
TIRUNELVELI.
4. THE JOINT COMMISSIONER / EXECUTIVE OFFICER,
KANYAKUMARI DISTRICT TEMPLES,
SUCHINDRAM.
5. THE MANAGER,
ARULMIGHU BHAGAVATHIYAMMAN THIRUKKOIL,
KANYAKUMARI DISTRICT.
6. THE CHAIRMAN,
KANYAKUMARI SPECIAL GRADE TOWN PANCHAYAT,
KANYAKUMARI.
7. EXECUTIVE OFFICER,
KANYAKUMARI SPECIAL GRADE TOWN PANCHAYAT,
KANYAKUMARI -629 702.
8. ARULMIGHU BAGAVATHI AMMAN,
SIRU VIYAPARIHAL NALA SANGAM,
REGN.NO.17/99, REP. BY ITS PRESIDENT,
R.SELVASIVALINGAM, .
9. M.MURUGAN
10. E.RAMACHANDRAN
11. P.RAJAN
12. E.MUTHU
13. T.SELVAKUMAR
14. V.RAJAGOPAL
15. T.SARAVANAN
16. K.MURUGAN
17. M.SARAVANAN
18. P.GANESAN
19. S.SIVAKUMAR
20. K.MANIKANDAN
21. V.MURUGAN
22. T.MUTHULINGAM
23. M.SURESH
... RESPONDENTS 3 TO 23/ RESPONDENTS 3 TO 23



Prayer in WMP(MD). 13866/ 2019 :

To be dispense with the personal appearance of petitioner in the Honorable Court on 06.08.2019.

Prayer in WP(MD). 17868/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing the Respondents, from in any manner converting the lands bearing Survey Nos. 679/1 and 679/2 or any other lands in Kanyakumari Village and District, belonging to the respondents 4 and 5 temple from using those lands either by granting lease or otherwise, for any commercial purpose of any nature by permitting the lessees to put up temporary constructions or to use those lands, for any petty trading, either on the floor or on any cycle or cart or by other means, so as to destroy the environmental conditions of Kanyakumari, more particularly in "Thiruvani Sangamam" and the Shores and Beaches abutting Bay of Bengal, Indian Ocean and Arabian Sea, so as to enable the respondents 1,6 and 7 to maintain kanyakumari with all the environmental advantageous, within a time frame as may be fixed by this Hon'ble Court.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.VR.SHANMUGANATHAN, Special Government Pleader for petitioner in both the petitions and of Mr. for the petitioner and of Mr.S.BALAMURUGAN, Advocate for R1 in WMP(MD) No.13863 of 2019 IN WP(MD) No.24832 of 2016 and Mr.G.ARAVINTHAN, Advocate for R1 in WMP(MD) No.13866 of 2019 IN WP(MD) No.17868 of 2014, the court made the following order:-

Heard the submissions of the learned Special Government Pleader appearing for the petitioner and the learned counsel appearing for the Writ Petitioner and also perused the affidavits and satisfied with the reasons.

Mr.Anbumani, Joint Commissioner/Executive Officer, HR & CE Department, Kanayakumari is personally remained present before this Court.

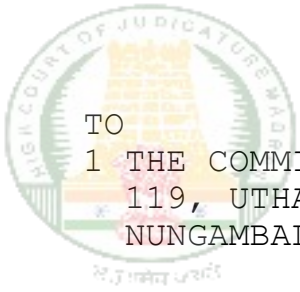
The personal appearance of the Commissioner, HR & CE Department, Chennai and the Joint Commissioner HR & CE Department, Kanyakumari is dispensed with for the present.

sd/-

06/08/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE COMMISSIONER, HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT,
119, UTHAMAR GANDHI ROAD, TIRUMURTHY NAGAR,
NUNGAMBALLAM, CHENNAI - 600 006.
- 2 THE DISTRICT COLLECTOR
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT,
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ARULMIGU BHAGAVATHIYAMMAN THIRUKKOIL,
KANYAKUMARI, KANYAKUMARI DISTRICT.
- 5 THE EXECUTIVE OFFICER
KANYAKUMARI SPECIAL GRADE TOWN PANCHAYAT,
KANYAKUMARI, KANYAKUMARI DISTRICT.
- 6 THE TAHSILDAR, AGASTEESWARAM, KANYAKUMARI.
- 7 THE DEPUTY SUPERINTENDENT OF POLICE, KANYAKUMARI.
- 8 THE DISTRICT FIRE OFFICER, KANYAKUMARI DISTRICT AT NAGERCOIL.
- 9 THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT,
PALAYAMKOTTAI, TRIVANDRUM ROAD, TIRUNELVELI.
- 10 THE JOINT COMMISSIONER / EXECUTIVE OFFICER,
KANYAKUMARI DISTRICT TEMPLES, SUCHINDRAM.
- 11 THE MANAGER,
ARULMIGHU BHAGAVATHIYAMMAN THIRUKKOIL, KANYAKUMARI DISTRICT.
- 12 THE CHAIRMAN,
KANYAKUMARI SPECIAL GRADE TOWN PANCHAYAT, KANYAKUMARI.

+1CC TO M/s.K.SATHIYASINGH, Advocate, Sr No.13107

ORDER IN

WWMP(MD) Nos.13863 & 13866 of 2019 IN
WP(MD) Nos.24832 of 2016 & 17868 of 2014
Date :06/08/2019

MS/VR/SAR-4/14.08.2019/5P.14C