



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Monday, the Twenty First day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

REV.APLW.NO.100 OF 2020

AND CONT.P.NO.1787 OF 2019

CHIDAMBARAM MUNICIPALITY [APPELLANT IN REV.APLW.100/2020]
REP.BY ITS COMMISSIONER,
CHIDAMBARAM, CUDDALORE DISTRICT

Vs

1 V.VANCHINATHAN [1st RESPONDENT IN REV.APLW.100/2020
PETITIONER IN CONT.P.NO.1787/2019]

2 THE DISTRICT COLLECTOR [2 TO 7 RESPONDENTS IN
CUDDALORE DISTRICT. REV.APLW.100/2020]

3 THE SUB - COLLECTOR,
CHIDAMBARAM, CUDDALORE DISTRICT.

4 THE TAHSILDAR,
CHIDAMBARAM, CUDDALORE DISTRICT.

5 THE SUPERINTENDENT OF POLICE,
CUDDALORE DISTRICT.

6 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT, CUDDALORE.

7 THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN, CUDDALORE DISTRICT.

B.V.SURENDRA SHA [RESPONDENT IN CONT.P.NO.1787/2019]

Review Application under order 47 rule 1 CPC read with Clause 15 of the Letters Patent to against the order dated 26.11.2018 in W.P.No.31136 of 2018 passed by their Lordship of THE HON`BLE MR.JUSTICE N.ANAND VENKATESH (REV.APLW.NO.100/2020) and;

ii) To punish the respondent for contempt of Court in accordance with law for the willful disobedience of the order passed by this Honourable court in W.P.No.31136/2018 dated 26.11.2018 (CONT.P.NO.1787/2019)



Order: This Appeal and Petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.JAYAPRAKASH NARAYANAN, Advocate for the Appellant in REV.APLW.NO.100/2020 and M/S.T.SARAVANAN, Advocate for the 1st Respondent in REV.APLW.NO.100/2020 and for the petitioner in CONT.P.NO.1787/2019, the court made the following order:-

The review petition has been filed by the Chidambaram Municipality represented through its Commissioner to the effect that the property under the occupation of the encroachers belonged to the Mutt and hence action must be taken only by the HR & CE Department under Section 78 of the Act for removal of encroachment. In the considered view of this Court, the powers of Chidambaram Municipality can always be exercised, if it is found that the superstructure that has been put up in the property is unauthorised. If such unauthorised construction has been put up by the encroachers, the Chidambaram Municipality can certainly initiate action for locking and sealing the properties. The permission of the HR & CE department is not required to undertake this exercise.

2. In view of the above, there shall be a direction to the Chidambaram Municipality to immediately initiate action against the unauthorised constructions put up in the property and proceed further with the process of locking and sealing, in accordance with law. The Chidambaram Municipality represented through its Commissioner shall report compliance of this direction before the next date of hearing. Pursuant to taking this action, further orders will be passed by this Court.

3. Post this case under the caption 'for reporting compliance' on 22.04.2022.

-sd/-

21/03/2022

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT.

2 THE SUB - COLLECTOR,
CHIDAMBARAM, CUDDALORE DISTRICT.

3 THE TAHSILDAR,
CHIDAMBARAM, CUDDALORE DISTRICT.

4 THE SUPERINTENDENT OF POLICE,
CUDDALORE DISTRICT.



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HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT, CUDDALORE.

6 THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN, CUDDALORE DISTRICT.

7 THE COMMISSIONER,
CHIDAMBARAM MUNICIPALITY
CHIDAMBARAM, CUDDALORE DISTRICT

Order
in
REV.APLW.NO.100 OF 2020
AND CONT.P.NO.1787 OF 2019

Date :21/03/2022

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PM(21/03/2022)IT