

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

W.P.No.14678 of 2020

M.Ramasamy

... 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,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
- 5.The District Collector,
Dharmapuri District,
Dharmapuri.
- 6.The Revenue Divisional Officer,
Harur,
Dharmapuri District.
- 7.The Tahsildar,
Pappirettipatti Taluk,
Dharmapuri District.
- 8.Manimaran
- 9.Pazhanisamy
- 10.Shankar
- 11.Raja

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 7 to take appropriate action to remove the encroachment of the temple properties in Survey No.70/4B to an extent of 6.95 acres of land situated at Puzhudhiyur Village, Dharmapuri District.

For Petitioner : Mr.M.D.Thirunavukkarasu

For R1 to R4 : Mr.Karthikeibalan
for Mr.M.Karthikeyan
Special Government Pleader (HR & CE)

For R5 to R7 : Ms.R.J.Radhika
Government Advocate

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)

The writ petition is styled as a 'Public Interest Litigation' and the petitioner claims that he is a resident of Erumayampatti Village, Kokarapatti Panchayat, Pappirettipatti Taluk, Dharmapuri District-636 905, and came forward to file this writ petition stating among other things that "Arulmigu Gopinatha Swamy Temple" is located within their Panchayat town and it is under the control of Hindu Religious and Charitable Endowments Department (HR&CE Department). The said temple owns the land admeasuring an extent of 6.95 Acres and encroachment has been caused by the private respondents 8 to 12. Thiru.Rajendran, Thiru.Shankar, Thiru.Vellaiya Gounder, Thiru.Raja (11th respondent) had originally filed a suit in O.S.No.143 of 2002 on the file of the District Munsif Court, Harur, against the District Collector, Dharmapuri, Revenue Divisional Officer, Dharmapuri, Tahsildar, Pappirettipatti, Joint Commissioner, HR&CE Department, Salem, Assistant Commissioner, HR&CE Department, Salem, Executive Officer of "Arulmigu Gopinatha Swamy Temple", praying for permanent injunction restraining the defendants 1 to 3 from interfering with the users of the road in S.No. 70/4B in the said village and the said suit, after contest, came to be dismissed on 31.03.2011, and despite that, they continued to obstruct the said road, especially the 11th respondent. A representation, dated 27.02.2020, submitted in this regard, has failed to evoke any kind of response from the respondents, and hence, the petitioner is constrained to approach this Court by filing this writ petition.

2.Mr.Karthikeibalan for Mr.M.Karthikeyan, learned Special Government Pleader (HR & CE), who accepts notice on behalf of the respondents 1 to 4, on instructions, would submit that the land belonging to the temple have been leased out in favour of the third party through public auction, and the representation submitted by the petitioner would be given disposal in accordance with law, within the earliest possible time.

3.Though the petitioner prays for a larger relief, this Court, in the facts and circumstances of the case, without going into the merits of the claim as projected by the petitioner, directs the 3rd respondent to consider and dispose of the petitioner's representation, dated 27.02.2020, on merits and in accordance with law, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Chennai.
- 2.The Joint Commissioner,
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Salem.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
- 4.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Dharmapuri.
- 5.The District Collector,
Dharmapuri District,
Dharmapuri.

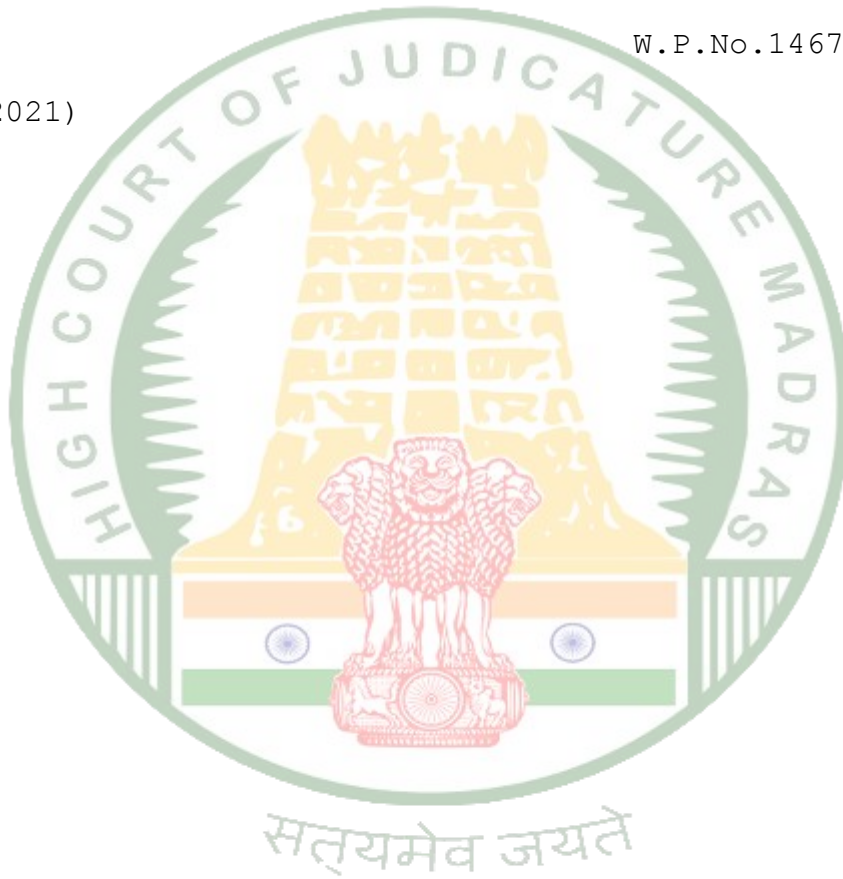
6.The Revenue Divisional Officer,
Harur,
Dharmapuri District.

7.The Tahsildar,
Pappirettipatti Taluk,
Dharmapuri District.

+1cc to Mr.M.D.Thirunavukarasu, Advocate SR.39246
+1cc to Spl.Govt Pleader(HR & CE) SR.39420
+1cc to the Government Pleader SR.39333

W.P.No.14678 of 2020

SV(CO)
CB(05/01/2021)



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