

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2020

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27077 of 2019

A.Radhakrishnan

.. Petitioner

..Vs..

- 1.The Commissioner,
Hindhu Religious Charitable & Endowments Department,
119, Nungambakkam High Road,
Chennai-600 034.
- 2.The District Executive Magistrate Cum Collector,
Office of Collectorate,
Salem-636 001.
- 3.The Commissioner of Police,
Salem.
- 4.The Inspector of Police,
Suramangalam Police Station,
Salem-636 005.
- 5.The Joint Commissioner,
Hindhu Religious Charitable & Endowments Department,
Salem-636 001.
- 6.The Assistant Commissioner,
Hindhu Religious Charitable & Endowments Department,
Salem-636 001.
- 7.The Managing Trustee,
Arulmigu Venugopala Swamy Temple,
Chinnakadai Veethi,
Salem-636 007.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the fourth respondent to provide adequate police protection to implement the orders passed by the fifth respondent dated 29.05.2019 in respect of seventh respondent temple properties by considering the petitioner representation dated 02.09.2019.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 to R4

: Mr.N.Vijaya Baskar for R7

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the fourth respondent to provide adequate police protection to implement the orders passed by the fifth respondent dated 29.05.2019 in respect of seventh respondent temple properties by considering the petitioner representation dated 02.09.2019.

2.The petitioner gave a representation to the second respondent to safeguard the temple properties from the hands of persons who are illegally having control over those properties. After due enquiry, an order was passed by the fifth respondent on 25.05.2019 in M.P.Nos.149/2000/B1 and 181/2000/B1 and they were directed to hand over the temple land, which is under the illegal occupation of third party within a period of 15 days and failing which directed the 6th respondent was directed to remove the person who is in illegal occupation of temple land by invoking Sec.78(4) of HR&CE Act with the help of police protection. Even though order was passed way back 29.05.2019, there was no initiative to secure and safeguard the seventh respondent temple property by invoking the order passed by the fifth respondent. Hence, the writ petition is filed.

3. The learned counsel for the petitioner would submit that the petitioner gave a representation to the fourth respondent police seeking for police protection to secure and safeguard the seventh respondent temple property. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. Heard Mr.R.Marudhachalamurthy, learned Counsel for the petitioner and Mr.M.Mohamed Riyas learned Additional Public Prosecutor for the respondents 1 to 4.

5. Without expressing any opinion on merits of the case and considering the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the fourth respondent to consider the representation dated 02.09.2019 submitted by the petitioner after conducting enquiry with counter parties and pass orders within a period of eight (8)

weeks from the date of receipt of a copy of this order. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Commissioner,
Hindhu Religious Charitable & Endowments Department,
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Chennai-600 034.
- 2.The District Executive Magistrate Cum Collector,
Office of Collectorate,
Salem-636 001.
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- 5.The Joint Commissioner,
Hindhu Religious Charitable & Endowments Department,
Salem-636 001.
- 6.The Assistant Commissioner,
Hindhu Religious Charitable & Endowments Department,
Salem-636 001.
- 7.The Managing Trusteee,
Arulmigu Venugopala Swamy Temple,
Chinnakadai Veethi,
Salem-636 007.
- 8.The Public Prosecutor,
High Court of Madras,
Chennai.

+1 CC to Mr.R.Marudhachalamurthy, Advocate sr 21465

+1 CC to M/s. Law Vision sr 20828

W.P.No.27077 of 2019

NR(CO)
SP(29/07/2020)