



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9809 of 2020

and

W.M.P. (MD)No.8801 of 2020

T.R.Srinivasan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Tourism,
Culture and Religious Endowments Department,
Secretariat,
Chennai - 600 009.
 - 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 600 034.
 - 3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Ellis Nagar,
Madurai - 625 016.
 - 4.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Ellis Nagar,
Madurai - 625 016.
 - 5.The Assistant Commissioner/Executive Officer,
Arulmigu Koodal Alagar Temple,
Madurai - 625 001.
 - 6.The Tahsildar,
Madurai South Taluk,
Maduri.
 - 7.The Inspector of Police,
Thideer Nagar Police Station,
Madurai - 625 001.
- ... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Na.Ka.No.2521/2015-4.Aa.1 dated 27.07.2020 passed by the 4th respondent and quash the same and consequently, forbear the respondents from in any way interfering with doing business by the petitioner in Shop No.32, Perumal Teppam North, Town Hall Road, Madurai till the disposal of the R.P.No.51 of 2020 on the file of the 1st respondent.

For Petitioner : Mr.T.Sakthikumaran
For Respondents : Mr.K.P.Narayana Kumar,
Spl. Government Pleader for R1 to R4
Mr.S.Manohar for R5
Mr.P.Mahendran,
Addl. Government Pleader for R6 & R7

O R D E R

Heard the learned counsel on either side.

2.The petitioner's counsel states that the petitioner is a tenant under the fifth respondent/temple. He states that the petitioner suffered an order of eviction and that is why he filed a review petition before the Government. The Government have also issued an enquiry notice recently. A copy of the enquiry notice has been enclosed in page 23 of the typed set of papers. The petitioner's counsel draws my attention to the order dated 21.12.2017 made in W.P.(MD)Nos.23561 of 2017 and etc., batch. In these writ petitions, a learned Judge of this Court has passed the following orders:-

'10. No doubt, encroachments should not be permitted, at any cost, but, on the other hand, the petitioners herein claimed that they are tenants with the said Koodal Alagar temple administration and if they are evicted without any alternate arrangements, it would certainly cause damage to them.

11. This Court, keeping in mind the livelihood of the petitioners, had directed both the parties to suggest alternate arrangements and pursuant to the said direction, the respective learned Counsel for the petitioners have submitted an additional affidavit along with some proposal and they have also sent the same, in detail, to the Joint Commissioner HR & CE as well as the Assistant Commissioner, Koodal Alagar Perumal Temple.



12. Considering the facts and circumstances of the case, this Court, in the interest of justice and also keeping in mind the order in W.P.No. 32299 of 2017, decided on 13.12.2017, directs the Assistant Commissioner, Koodal Alagar Perumal Temple to forward the representation of the petitioners along with a memo containing the proposal for alternate arrangements to the first respondent / Secretary to the Government, Tourism, Culture and Religious Endowments Department, Government of Tamil Nadu, within a period of two weeks from the date of receipt of a copy of this order. On receipt, the Secretary / first respondent shall consider the same along with the pending revisions preferred by the petitioners and dispose of the same, within a period of four weeks thereafter, on merits and in accordance with law, after affording due opportunity of hearing to the petitioners and all other interested parties. Till such time, the respondents shall maintain status quo as on date.''

3.The petitioner's counsel states that the petitioner is identically placed and that therefore, he should be treated likewise.

4.Though I find considerable force in the petitioner's counsel contention, I feel that my hands are tied. The learned standing counsel appearing for the temple as well as the learned Special Government Pleader appearing for the respondents 1 to 4 would inform me that the Hon'ble Division Bench has stated that the subject tank should be maintained free of encroachments and that therefore, the action of the authorities in clearing the encroachments cannot be interfered with. The orders relied on by the respondents' counsel were made in W.P.(MD)No.1451 of 2011 and W.P.(MD)Nos.5060 of 2020 and etc., batch. Therefore, I am of the view that the petitioner has to necessarily try his luck only before the Hon'ble Division Bench and this Court is not in a position to grant him any relief. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Additional Chief Secretary,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Ellis Nagar,
Madurai - 625 016.
- 4.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Ellis Nagar, Madurai - 625 016.
- 5.The Tahsildar,
Madurai South Taluk, Madurai.
- 6.The Inspector of Police,
Thideer Nagar Police Station,
Madurai - 625 001.

+1 CC to M/s.S. MANOHAR, Advocate (SR-14467[F] dated 20/08/2020)

+1 CC to M/s.GP (SR-14532[F] dated 20/08/2020)

+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-14556[F] dated 20/08/2020)

W. P. (MD) No. 9809 of 2020

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PM(CO)

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