



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.3261 of 2020

C.Narayanan

...Petitioner

Vs.

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Commissioner,
Hindu Religious Charitable Endowment Department,
Nungambakkam,
Chennai.

3.The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Villupuram.

4.The Tahsildar,
Ullundurpet Taluk,
Ullundurpet.

5.Srinivasan

6.Venkatesan

7.Marimuthu

8.Palani

9.Sahadevan

10.Dhandapani

11.Perumal

12.Muthusamy

13.Kesavan

14.Kuppayee

15.Mrs.Thailammal

...Respondents

(Suo Moto impleaded vide order dated
22/04/2021 by NKKJ & TVTSJ)

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Mandamus directing the Respondents 1 to 4 to take necessary



action against the encroachers and to remove the encroachment in the temple land in S.No.351/4 and S.No.351/5 measuring an extent of 10.5 cents, Pugaipatti Village, Ulundurpet Taluk, Kallakurichi District within a stipulated time.

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For Petitioner : Mrs.Nageswari for Mr.N.Naganathan.

For Respondents : Mrs.R.Anitha, State Government
Counsel for R1 to R4.
Mr.K.Balu for R15.
Mr.Durai Arun for R5 to R14.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

2.The Petitioner contends that the property comprised in S.No.351/4 and S.No.351/5 measuring to an extent of 10.5 cents in Pugaipatti Village, Ulundurpet Taluk, Kallakurichi District has been encroached upon by Private Respondents and in spite of the representation given by the Petitioner, no action has been taken. Hence, the Petitioner has come before this Court.

3.Heard Mrs.Nageswari, Learned Counsel for the Petitioner, Mrs.R.Anitha, Learned State Government Counsel for Respondents 1 to 4, Mr.K.Balu, Learned Counsel for Fifteenth Respondent and Mr.Durai Arun, Learned Counsel for Respondents 5 to 14.

4.It is reported by the Learned State Government Counsel appearing for Respondents 1 to 4 that the property comprised in S.No.351/4 is a temple property and no encroachment has been found whereas S.No.351/5 is a Natham Poromboke land and the same has been encroached upon by private parties. Further, it is submitted that the Fifteenth Respondent has already granted patta vide Patta No.1281 in respect of the property in S.No.351/8 by subdividing S.Nos.351/4 or 351/5 measuring to an extent of 0.56 sq.m. Since the Private Respondents who entered appearance, has not contested the matter, if it is found that Private Respondents are encroached upon the property comprised in S.No.351/5, the official Respondents are directed to take action to remove the encroachment after following due process of law and after issuing notice to the Petitioner, private respondents and parties concerned and after hearing them, except the Fifteenth Respondent as she has already been granted patta and therefore, she cannot be considered as encroacher.

5.It is made clear that if Fifteenth Respondent has encroached upon the property other than the extent to which she has been given patta, she can also be proceeded against.



6. With the above directions, this Writ Petition is disposed of. No costs.

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Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kallakurichi District,
Kallakurichi.

2. The Commissioner,
Hindu Religious Charitable Endowment Department,
Nungambakkam,
Chennai.

3. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Villupuram.

4. The Tahsildar,
Ullundurpet Taluk,
Ullundurpet.

+1cc to M/s.N.Naganathan, Advocate, S.R.No.34929

+1cc to M/s.K.Balu, Advocate, S.R.No.34612

+1cc to the Special Government Pleader (HR & CE), S.R.No.35368

W.P.No.3261 of 2020

AJS (CO)
RVM(23/08/2021)