

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.12248 of 2021

Dr.T.Sundaravadivelan

.. Petitioner

Vs.

1.The District Collector,
Nagapattinam District,
PIN - 611 003.

2.The Commissioner,
Hindu Religious & Charitable Endowments,
Nungambakkam, Chennai 600 034.

3.The Tahsildar,
Nagapattinam District, PIN - 611 003.

4.Saravanan

5.Rajasekar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to take action against 4th and 5th respondents to remove the encroachments from the lands belongs to Arulmigu Neelayathadchi Amman Udanurai Shree Kaayoroganam Swamy Temple and the Panjami lands belongs to the Scheduled Castes and Scheduled Tribes situated at Pappansudukadu near Nagapattinam-Sellur Road.

For Petitioner : Mr.N.Suriya Muthu

For Respondents: Mr.P. Muthukumar
Govt. Advocate for RR 1 and 3

ORDER

(Made by the Senthilkumar Ramamoorthy, J.)

The petitioner complains of alleged encroachment of lands in R.S.No.1954/1, 1954/6 and S.F.No.1951/2 of Thiagarajapuram Village, Nagapattinam.

2. The petitioner asserts that the lands in the aforesaid survey numbers are either temple lands or Panjami lands which are earmarked for persons belonging to the Scheduled Castes and Scheduled Tribes.

3. It is alleged that respondents 4 and 5 have encroached on these lands and converted the same into residential plots. In spite of submitting multiple representations to the first, second and third respondents, no action has been taken thereon.

4. Mr.P.Muthukumar, learned counsel for the Government, accepts notice on behalf of respondents 1 and 3. He submits that the appropriate authority to take action as regards the temple lands would be the second respondent, whereas the third respondent would initiate action as regards Panjami lands.

5. Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a fresh representation as regards the temple lands to the second respondent herein. With regard to the Panjami lands, the petitioner is granted leave to submit a fresh representation to the third respondent. Such representations shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the relevant respondent shall consider such representation and dispose of the same by a reasoned order, after providing a reasonable opportunity both to the petitioner and to the private respondents herein. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of the representation. In view of the fact that the private respondents are going to be heard before the matter is decided, the writ petition is being disposed of without notice to the private respondents herein.

W.P.No.12248 of 2021 is disposed of on these terms without any order as to costs.

सत्यमेव जयते

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

sra

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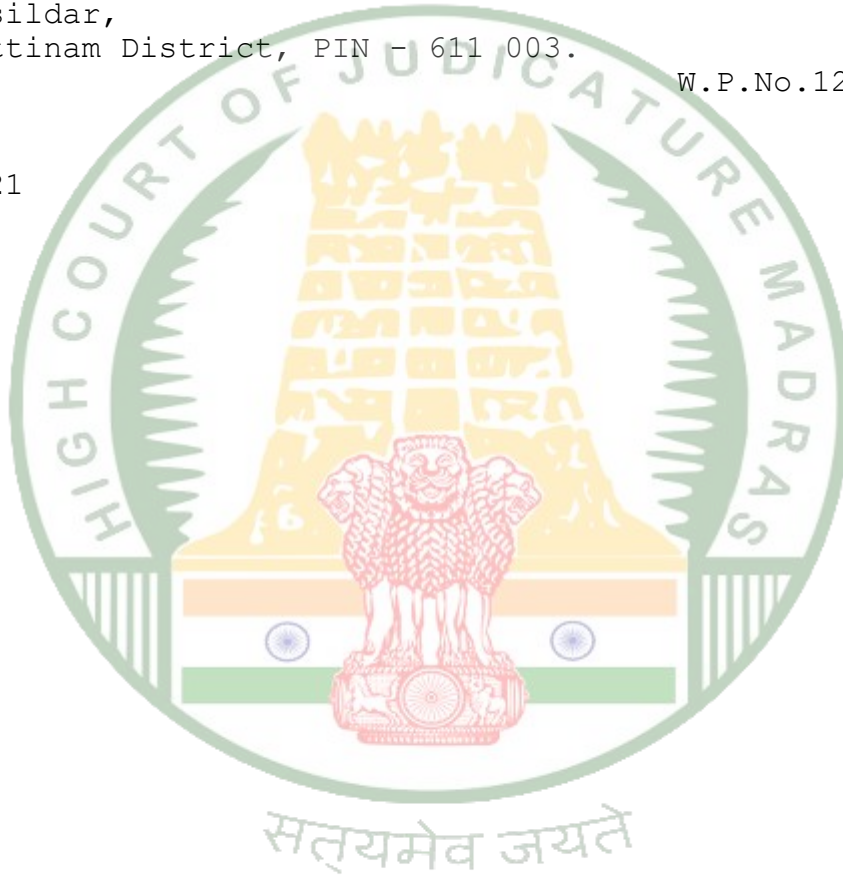
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KJ(CO)
EU 4.6.2021



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