

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.05.2021
CORAM :
THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE P.D.AUDIKESSAVALU
W.P.No.11124 of 2021

B.Sivaramakrishnan

..Petitioner

Vs

- 1.The Commissioner
Hindu Religious and Charitable
Endowment Department,
Chennai - 600 034.
- 2.The Joint Commissioner
Hindu Religious and Charitable
Endowment Department,
Villupuram.
- 3.The Assistant Commissioner/
Executive Officer,
Arulmighu Sri Ellaiamman Temple,
O/o.The Assistant Commissioner,
Cuddalore.
- 4.The Inspector/Fit Person,
Arulmighu Sri Ellaiamman Temple,
Thittakudi, Cuddalore.
- 5.S.Siva
- 6.A.Govindarajulu
- 7.K.Suguna

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachments and the illegal constructions from the lands in S.No.560/3, Ellaiamman Temple, and in S.No.213/2, in Pennadam Village, and in S.No.115/1 in O.Keeranur Village, within the Thittakudi Taluk, Cuddalore District, by considering the representations, dated 05.03.2020, 24.02.2021 and 09.03.2021, within a time frame as may be fixed by this Court.

For Petitioner : Ms.Elizabeth Ravi
For Respondents : Mrs.A.Sri Jayanthi
Special Government Pleader
for R1 to R4

ORDER
(Made by R.SURESH KUMAR, J.)

The prayer sought for in this writ petition is to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachments and the illegal constructions from the lands in S.No.560/3, Ellaiaimman Temple, and in S.No.213/2, in Pennadam Village, and in S.No.115/1 in O.Keeranur Village, within the Thittakudi Taluk, Cuddalore District, by considering the representations, dated 05.03.2020, 24.02.2021 and 09.03.2021, within a time frame as may be fixed by this Court.

2. Heard Ms.Elizabeth Ravi, learned counsel appearing for the petitioner and Mrs.A.Sri Jayanthi, learned Special Government Pleader appearing for respondents 1 to 4.

3. In view of the order we are going to pass in this writ petition, notice to private respondents is hereby dispensed with.

4. The petitioner has made a request under Section 78 of the Hindu Religious and Charitable Endowments Act to respondents 1 and 3 on 24.02.2021 with regard to the alleged encroachment said to have been made by the private respondents in the Temple land belonging to the third respondent temple.

5. Though the said representation had been submitted to take action against the private respondents, who are the encroachers according the petitioner, it seems that no action has been taken. Therefore, the petitioner is constrained to approach this Court by filing the present writ petition with the aforesaid prayer.

6. Learned counsel appearing for the petitioner has submitted that if a direction is given to the respondents especially the third respondent, who is the authority to decide such kind of grievances with regard to the alleged encroachment and a decision is taken within the time frame that will be stipulated by this Court, the petitioner would be satisfied.

7. Learned Special Government Pleader appearing for respondents 1 to 4 would submit that if at all a representation has already been given by the petitioner to the first and third respondents in this regard and since the third respondent who is

the authority under Section 78 of the Hindu Religious and Charitable Endowments Act to look into this kind of grievance especially with regard to the alleged encroachment, certainly that representation would be decided on merits and in accordance with law within the time frame stipulated by this Court.

8. Having considered the said submissions made and after having perused the materials placed before this Court, we are inclined to dispose of this writ petition with the following direction:

There shall be a direction to the third respondent to consider the representation of the petitioner dated 24.02.2021 with regard to the alleged encroachment said to have been made by the private respondents herein and decide the same, of course, after giving notice to both the petitioner as well as the private respondents and hear them by following the prescribed procedure in law and decide the same on merits on or before 31.07.2021 and communicate the same to the petitioner as well as to the private respondents.

9. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Commissioner
Hindu Religious and Charitable
Endowment Department,
Chennai - 600 034.

2.The Joint Commissioner
Hindu Religious and Charitable
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Villupuram.

3.The Assistant Commissioner/
Executive Officer,
Arulmighu Sri Ellaiamman Temple,
O/o.The Assistant Commissioner,
Cuddalore.

4.The Inspector/Fit Person,
Arulmighu Sri Ellaiamman Temple,
Thittakudi, Cuddalore.

+1 cc to M/s.Elizabeth Ravi, Advocate, SR.No.27103
+1 cc to Government Pleader, SR.No.27151

W.P.No.11124 of 2021

SR(CO)
NS(12/05/2021)



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