



representation dated 21.10.2019 and 24.11.2019 given by the petitioner and thereby to demolish the elevate superstructure of Godown was been illegally constructed by 6th respondent in the place of Sri Kasiwishvanatha Swami Thirukoil land in light of / pursuant the reply of 3rd respondent dated 23.10.2019 and consequently to handover the vacant possession to the 3rd respondents H.R and C.E authorities.

For the Petitioner : Mr.P.A.Chitramani

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 3 and 5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner complains of encroachment in land belonging to Arulmighu Kasiviswanatha Swami Temple at Nasarathpet, Poonamallee Taluk of Tiruvallur District.

2. Mr.Muthukumar, learned Government Pleader, takes notice on behalf of respondents 1 to 3 and 5 and submits, on the basis of written instructions furnished by the fourth respondent, that the sixth respondent herein has attempted to build a warehouse over 2900 sq.ft at S.No.52/1 by relying on a purported sale deed obtained from a previous trustee of the temple. It is further submitted by the official respondents that the temple has instituted O.S.No.323 of 2019 in the court of District Munsif at Poonamalee, seeking permanent injunction. The manner in which the suit has been framed, it is evident that the plaintiff temple asserts that the land belongs to the temple and no question arises of the sixth respondent herein having any right to make any construction thereupon.

3. Since the suit has been instituted and the Joint Commissioner has due authority to take action against the sixth respondent, inter alia, under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the concerned Joint Commissioner should take immediate appropriate action in accordance with law upon due notice to the sixth respondent.



4. Since any action to be taken will be upon previous notice to the sixth respondent, no previous service of the present petition has been required to be effected on the sixth respondent. However, the petitioner will remain obliged to immediately forward copies of the petition and this order to the sixth respondent.

5. W.P.No.22693 of 2021 is disposed of without any order as to costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

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To:

1. The District Collector
Thiruvallur District at Tiruvallur.
2. The Commissioner
HR and CE, Shastri Bhawan, Nungambakkam,
Chennai-600 034.
3. The Joint Commissioner
HR and CE, TN RTO Road, Nehru Nagar,
Sathuvacharry, Vellore District.
4. The Executive Officer
Sri Kasiwishvanatha Swami Thirukoil and
Thirumazhi Temple, Nasarathpet,
Poonamallee Taluk, Chennai.
5. The Tahsildar
Poonamallee Taluk Office, Poonamallee,
Thiruvallur District.

+1cc to Mr.P.A.Chitramani, Advocate, S.R.No.55235

WP No.22693 of 2021

RLD(CO)
RLP(10/11/2021)