



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.12.2021

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CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.25677 of 2021

V.Prabhakaran

... Petitioner

Versus

1. The Secretary to Government,
Department of Tourism, Culture and Endowments,
Secretariat,
Fort St. George,
Chennai 600 009.
 2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai 600 034.
 3. The Deputy Commissioner/Executive Officer,
Arulmigu Vadapalni Andavar Temple,
Vadapalni,
Chennai 600 026.
 4. Angammal
 5. Janarthanan
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachers upon the temple property of Arulmigu Vadapalani Andavar Temple comprised at Survey No.55, situated at Old No.45/1, New No.5, Azhagiri Nagar, Main Road, Vadapalani, Chennai 600 026 by considering the petitioner's representation dated 13.08.2021.



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For petitioner : M/s.B.Kavya

For respondents

for RR1 & 2 : Mr.T.Chezhiyan

for R3 : Mr.M.Karthikeyan

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. By consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment made by the respondents 4 and 5 in Survey No.55 situated at Old No.45/1, New No.5, Alagiri Nagar, Main Road, Vadapalani, Chennai by considering the representation dated 13.09.2021.

4. Mr.M.Karthikeyan, learned Counsel appearing for the third respondent would state that the property in dispute was leased out to one Muthulakshmi, however, the respondents 4 and 5 are in occupation and enjoyment of the property. Hence, the lease agreement entered in favour of the said Muthulakshmi was cancelled and the third respondent has sent a communication to the second respondent to initiate proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

5. The learned counsel appearing for the respondents 1 and 2 Mr.T.Chezhiyan would state that based on the communication from the second respondent, third respondent has already initiated proceedings to remove the encroachers.

6. In the light of the above, this Writ Petition is disposed of, directing the respondents 2 and 3 to take appropriate action



on the representation of the petitioner within a period of six months from the date of receipt of a copy of this order, after affording ample opportunity to the necessary parties. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

pvs

To

1. The Secretary to Government,
Department of Tourism, Culture and Endowments,
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Fort St. George,
Chennai 600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
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3. The Deputy Commissioner/Executive Officer,
Arulmigu Vadapalni Andavar Temple,
Vadapalni,
Chennai 600 026.

+1cc to R.Jayaprakash, Advocate SR.63615
+1cc to the Special Government Pleader Sr.63992

W.P. No.25677 of 2021

srg 22/12/2021